



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice July 17, 2017

The Arlington Redevelopment Board will meet Monday, July 17, 2017 at 7:30 PM in the **Town Hall Annex, Second Floor Conference Room, 730 Massachusetts Ave. Arlington, MA. 02476**

1. Zoning Recodification Update

7:30-8:00PM
(30 mins) Staff and board members will provide a summary from the 7/13 forum and outline upcoming meetings and expected deliverables from the consultant.

2. ARB Agenda Submissions Policy and Timeline

8:00-8:30PM
(30 mins.) Staff and board members will review and discuss a policy and timeline for future application submissions to the board via NovusAgenda.

3. ARB Annual Goals/Planning

8:30-9:30PM
(60 mins.) Staff and board members will discuss the board's FY18 annual goals and planning activities.

4. Conservation Commission Regulations for Wetlands Protections-proposed revisions

9:30-9:45PM
(15 mins.) Board will discuss correspondence from the Conservation Commission regarding proposed revisions to the Conservation Commission's regulations and next steps.

5. Approval of Meeting Minutes

9:45-9:50PM
(5 mins.) Board members will review minutes from the previous ARB meeting, and provide feedback for edits and vote.

6. Adjourn

9:50 PM ARB members will adjourn.



Town of Arlington, Massachusetts

ARB Agenda Submissions Policy and Timeline

Summary:

8:00-8:30PM Staff and board members will review and discuss a policy and timeline for future application submissions to the board via NovusAgenda.
(30 mins.)

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	_NovusAgenda_ARB_Policy_DRAFT_07-13-2017.pdf	Submission Guidline Draft

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Novus Agenda Agreement for Redevelopment Board

Policy

The Arlington Redevelopment Board recognize that the development of digital meeting agendas and packets will work best if a policy is adopted to ensure that the workflow and timeline defined in the NovusAgenda Best Practices Guide is followed. Agenda submitters and agenda creators shall abide by the NovusAgenda Best Practices Guide to ensure that agendas and packets are created accurately and on-time without the burden of the last minutes changes that exist in an ad-hoc workflow.

NovusAgenda Best Practices Guide

Timeline

The submission of materials, incorporating materials into the agenda, the delivery of materials to the Board, and the posting of materials to the Town Clerk and on the website are all time sensitive and dependent on one another. Setting deadlines for each event will help standardize the workflow, hold the people involved accountable for timeliness, and reduce the strain that occurs due to last minute changes. The following chart outlines the responsible party and timeframe that each event shall occur.

ARLINGTON REDEVELOPMENT BOARD		
Action	Responsible Party	Timeframe
Agenda material submission begins	DPCD Director, ARB Chair, Project Applicants, General Public	Anytime prior to meeting date
Agenda material submission ends	DPCD Director, ARB Chair	Wednesday, 10:00 a.m. prior to meeting date
Agenda finalized	DPCD Director or her designee	Thursday, 4:00 p.m. prior to meeting date
Meeting packet finalized	Director or her designee	Thursday, 6:00 p.m. prior to meeting date
Agenda posted	DPCD Admin Assistant	Thursday, 6:00 p.m. prior to meeting date
Meeting packet available to members	DPCD Admin Assistant	Thursday, 6:00 p.m. prior to meeting date
Meeting packet available to public	DPCD Admin Assistant	Thursday, 6:00 p.m. prior to meeting date

Accountability

The Guide is necessary to ensure effective and efficient business practices. Abiding by the Guide will produce the best results. Holding oneself and others accountable to the Guide will ensure harmony within the daily activities and workflow related to ARB meetings materials. Material submitters are considered anyone who submits an agenda item or agenda item reference materials, including ARB members, the Department of Planning and Community Development (DPCD) Director, and Project Applicants.

Material Submitters

- A. Shall submit reference materials for inclusion in the agenda packet early, if possible, but no later than 4pm on the Thursday prior to the meeting.
- B. Shall notify DPCD Administrative staff, prior to 4pm on the Thursday prior to the meeting if reference materials will not meet that deadline. This will provide clarity to the staff and if this deadline cannot be met, the staff have the right enforce the Guide.

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- C. Shall agree that agenda items and reference materials that do not meet the deadline of 4pm on the Thursday prior to the meeting will not be included and will be moved to the following meeting or a meeting date that can accommodate proper hearing notice, if applicable.
- D. Shall submit reference materials digitally as a Microsoft Office compatible file, a PDF, a common image format, or as an email. Preferably, the reference material shall be delivered through email. The NovusAgenda system will produce ADA Compliant materials as long as the source materials are in their native, vector format.
 - a. For example, a document created in Microsoft Word shall be delivered in Microsoft Word format or converted from Microsoft Word format to PDF format. This process maintains a file's native, vector format which is ADA Compliant. This same file would not maintain its native, vector format and no longer be ADA Compliant if it is printed, then scanned. This process creates an image of the document and images are not ADA Compliant.

DPCD Administrative Staff

- A. Shall accept agenda items and reference materials at any time prior to the deadline for any ARB meeting. NovusAgenda allows users to create as many future meetings as needed, so adding future materials is acceptable.
- B. Shall prompt a Material Submitter to submit reference materials in digital format as described in D of the previous section, if paper materials were received.
 - a. Receiving paper and scanning materials should be avoided when possible.
- C. Shall enforce the Guide if the Material Submitter cannot meet the reference material submission deadline.
- D. Shall post the agenda by 6:00 p.m. on the Thursday prior to the meeting.
- E. Shall distribute or notify the appropriate parties when the agenda packet is finalized and available.
- F. Shall be prepared to print agendas, certain reference materials, or entire agenda packets as requested.

ARB Members

- A. Shall request printed agendas, certain reference materials, or entire agenda packets from Administrative Staff prior to 4pm on the day of the meeting.
 - a. Although printing materials is something we prefer to avoid, certain situations may warrant printing.



Town of Arlington, Massachusetts

ARB Annual Goals/Planning

Summary:

8:30-9:30PM
(60 mins.)

Staff and board members will discuss the board's FY18 annual goals and planning activities.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	ARB_Annual_Goals___Planning_Materials.pdf	ARB Goals and Planning Materials



Program Description

The Arlington Department of Planning and Community Development (DPCD) is committed to improving the quality of life for Arlington's residents by improving housing opportunities, transportation access, economic development to enhance the vitality of our business districts and generate commercial tax revenue, providing opportunities for low and moderate income households, and preserving and promoting the town's natural, historic, and cultural resources. DPCD is focused on planning, redevelopment, and creating future development opportunities.

DPCD oversees planning and community development activities within the Town of Arlington. DPCD staff are involved in most of the Town's key initiatives, including implementation of the Master Plan, Mass Ave. Phase II planning, Complete Streets, and efforts in our business districts. The Department has nine full-time and four part-time staff members.

The Department provides staff support to the Arlington Redevelopment Board. The ARB is the Town's Planning Board and is also the redevelopment authority. The ARB manages three town buildings: Jefferson Cutter House, the Central School, and 23 Maple Street.

Budget Statement

This budget will increase by \$61,725 because of the moving a Building Craftsman from the Gibbs School Building budget to the Planning Department budget and because of creating a new Environmental Planner position in place of a part-time Conservation Administrator.

FY2018 Objectives

- Implement the Arlington Master Plan with particular focus on advancing Housing, Economic Development, Transportation, and Historic and Cultural Resource Areas strategies.

PROGRAM COSTS

Rental Properties & Redevelopment Board	FY2016 Actual	FY2017 Budget	FY2018 Request	FY2018 Fin Com
Personnel Services	57,648	63,576	-	
Expenses	8,627	10,800	10,800	
Gibbs	142,476	185,210	-	
Parmenter	23,096	15,000	15,000	
Dallin Library	-	5,000	5,000	
Total	231,847	279,586	30,800	

PROGRAM COSTS

Planning & Community Development	FY2016 Actual	FY2017 Budget	FY2018 Request	FY2018 Fin Com
Personnel Services	395,047	479,778	536,993	
Expenses	17,365	24,185	28,695	
Total	412,413	503,963	565,688	

STAFFING

Planning & Community Development	FY2016 Actual	FY2017 Budget	FY2018 Request	FY2018 Fin Com
Managerial	1	1	1	
Clerical	1	1	1	
Professional/Technical	4	4	5	
Total	6	6	7	

STAFFING

Rental Properties & Redevelopment Board	FY2016 Actual	FY2017 Budget	FY2018 Request	FY2018 Fin Com
Managerial	0	0	0	
Clerical	0	0	0	
Custodial/Bldg.Maint.	0.5	0.5	0	
Total	0.5	0.5	0	



FY2018 Objectives (cont.)

- Implement year two of the five-year Housing Production Plan, including adding units to the Subsidized Housing Inventory.
- Implement year two of the five-year Open Space and Recreation Plan.
- Improve the Mill Brook Corridor by increasing connections to the brook and organizing clean-ups to improve access and water quality.
- Secure design funding for Mass Ave. Streetscape Phase II Plan.
- Work with Mass Ave. and Broadway property owners and to encourage mixed-use, including residential and commercial development.
- Secure funding to update and improve historic property inventories.
- Recommend amendments to the entire Zoning Bylaw for review and approval at a fall Special Town Meeting.
- Update administrative, permitting, and coordination across boards and commissions to ensure clear protocols and procedures are followed.
- Work with all business districts to understand challenges and opportunities in each and direct resources and assistance to assist with business development, recruitment and retention.
- Implement Vacancy Registry Bylaw, including assisting property owners with marketing available spaces, installing public art in vacant spaces, and enforcing maintenance of properties.
- Complete an Arts and Culture Action Plan.
- Work with the CDBG Subcommittee to improve the Town's Community Development Block Grant Program.
- Assess Arlington Redevelopment Board property portfolio and determine need for renewal of Arlington Center Urban Renewal Plan.
- Continue to work on capital plan projects at five properties.
- Work with stakeholders to celebrate the 25th anniversary of the Minuteman Bikeway and consider improvements along the corridor, including lighting and bikeway hours.
- Have a Minuteman Cultural District designated by the Massachusetts Cultural Council that will connect the Center to East Arlington.
- Secure grants and other capital for the Senior Center at the Central School to begin a major renovation to begin in 2019.
- Continue to provide reviews of ZBA cases, licenses, and permits.
- Propose and develop priorities for Parking Benefits District.

Major Accomplishments for 2016

- Implemented the Arlington Master Plan, including formation of: the Zoning Recodification Working Group to oversee rewriting and modernizing the Zoning Bylaw; the Residential Study Group to address concerns regarding new construction in existing neighborhoods, as requested in a resolution at the Spring, 2016 Town Meeting; the Historic Resources Working Group to improve communication and coordination among the Historical Commission, the Historic Districts Commission, the Arlington Historical Society, and Town staff to improve preservation of the Town's historic resources; the Mill Brook Study Group to enhance the Mill Brook's environmental value and economic development potential to the Town.
- The Housing Production Plan was adopted by the Redevelopment Board in June, and by the Selectmen in July. It was approved by the Department of Housing and Community Development in November.
- A Complete Streets policy was adopted by the Selectmen in April and accepted by the Massachusetts Department of Transportation in May. After submitting a Prioritization Plan, the Town was awarded a grant of \$400,000 for sidewalk and other pedestrian improvements on Gray Street. The goal is to increase walking by students to Otis Middle School by improving pedestrian safety on Gray Street.
- The Arlington Center Parking Management Plan recommendations were implemented by replacing multi-space meters in parking lots and installing single space meters in Arlington Center.
- Hired a consultant to begin zoning recodification, including facilitating robust public participation
- Completed Mass Ave. Streetscape Phase II Conceptual Plan. Gathered public, business owner, and property owner input on future streetscape improvements along Mass Av. from Pond Land to Mill Street with a focus on four key nodes at Broadway Plaza, Whittemore Park, Town Gardens, and a commercial block
- Secured \$400,000 in funding from MassDOT for safety improvements to Gray Street.
- Oversaw of the Arlington Center Safe Travel project to improve a safe crossing along the Minuteman Bikeway across Mass Ave.
- Submitted application for Cultural District designation and joined Man-aging Partnership.



Performance / Workload Indicators

Planning & Community Development	FY2014 Actual	FY2015 Actual	FY2016 Actual	FY2017 Estimated
CDBG Funds				
Administered	\$ 1,089,484	\$ 1,084,871	\$ 1,042,348	\$ 1,033,162
Plans, Designs, and Analyses	35	40	40	40
Room rental fees	2,853	5,000	5,000	5,000
Room reservations administered	539	550	550	550
Sign Permit Applications Reviewed	21	20	20	20
Contracts negotiated and administrated	5	10	5	5
Zoning Board Applications reviewed	6	10	10	10
Citizen inquiries	384	300	300	300
Bldg Maintenance Requests	1,700	1,500	1,500	1,500
Business/Merchants Assisted	75	75	75	75
EDR special permits administered	9	12	4	5

Performance / Workload Indicators

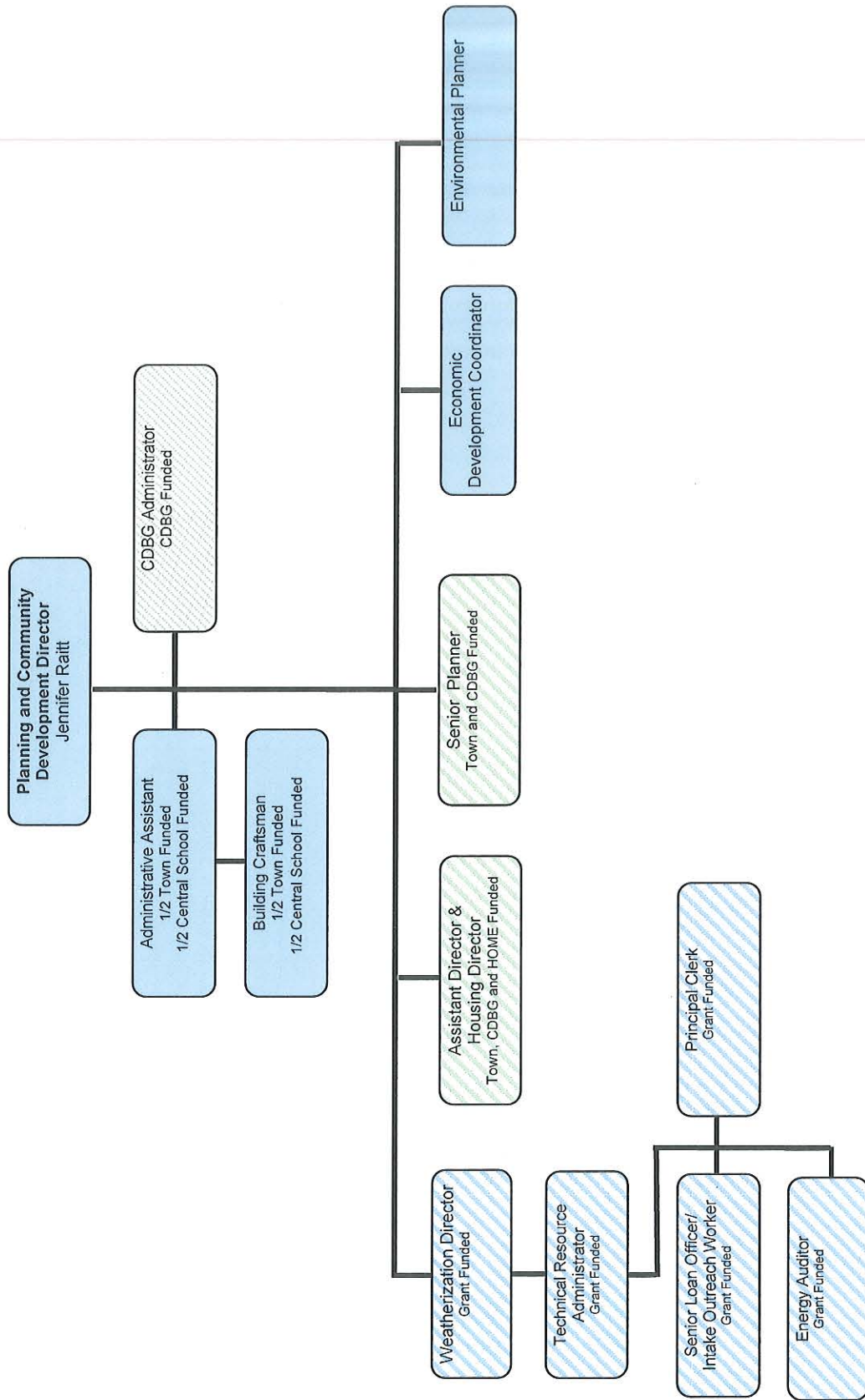
Conservation Commission	FY2014 Actual	FY2015 Estimated	FY2016 Estimated	FY2017 Estimated
Evening Meetings attended	24	24	24	24
Conservation Permits - Reviewed and Issued	14	14	14	14
Citizen inquiries	250	250	250	250
Site inspections	50	50	50	50
Filing Fees	\$ 2,854	\$ 1,750	\$ 1,750	\$ 1,750

Rental Properties- General Fund Revenue

	2015 Actual	2016 Budget	2017 Budget	2018 Budget	\$ Change
Gibbs Revenue	\$ (328,742)	\$ (318,819)	\$ (340,381)	\$ -	\$ 340,381
Parmenter Revenue	\$ (215,046)	\$ (219,060)	\$ (223,155)	\$ (227,332)	\$ (4,177)
Dallin Revenue	\$ (45,000)	\$ (45,000)	\$ (45,000)	\$ (45,000)	\$ -
Total	\$ (588,787)	\$ (582,880)	\$ (608,536)	\$ (272,332)	\$ 336,204

Major Accomplishments for 2016

- Secured funds Massachusetts Preservation Project Funds through the Massachusetts Historical Commission and completed significant exterior renovations of the Jefferson Cutter House at Whittemore Park.
- Completed improvements at Central School, including entryway at Academy St. and repaving the circular driveway and side lot.
- Completed improvements at 23 Maple Street porches and entryway.
- The CDBG Program celebrated much success:
 - Installed 71 ADA-compliant ramps.
 - Assisted 12 public service agencies with efforts ranging from assisting low-income older people with transportation needs to addressing food insecurity afterschool and during the summer.
 - Arlington Home Improvement Loan Program completed eight loans projects to income eligible homeowners and; two to extremely low-income households and six to low-income households. No one was displaced as a result of the rehab work.
 - Assisted Housing Corporation of Arlington (HCA) in completing acquisition and predevelopment for 20 Westminster Avenue into nine affordable rental housing units.
 - Two loans made under the Storefront Enhancement program.
 - One affordable condominium was resold through a lottery.
- 6 restaurants obtained sidewalk dining permits.
- 10 Decisions were issued by the Arlington Redevelopment Board
- 19 Zoning Board of Appeals cases were reviewed by the Department
- 57 new affordable housing units permitted in three developments.
- Began implementation of Vacancy Registry Bylaw.



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REDEVELOPMENT BOARD

The Arlington Redevelopment Board (ARB) is a five-member Board with the following powers:

1. It is the Planning Board, under MGL Chapter 41 Section 81 A; it is the special permit granting authority for projects which require an Environmental Design Review (EDR);
2. It is the Urban Renewal Authority for the Town under MGL Chapter 121 where it may, with Town Meeting approval, hold land or buildings to improve and rehabilitate them to meet community development goals;
3. It is the Board of Survey with authority to approve the design of roads for the purposes of ensuring that new building lots can meet zoning frontage and access requirements. (In 2016 there were no applications for Board of Survey consideration.)

As the Town's Planning Board, the ARB met twenty-one (21) times during this year and held hearings on ten (10) EDR special permits. All were approved.

As the Town's urban renewal authority, the ARB manages three properties: the Central School at 20 Academy Street, 23 Maple Street, and the Jefferson Cutter House at 611 Massachusetts Avenue. Building tenants range from Town departments to nonprofit organizations. Significant turnover occurred at the Central School with the Housing Corporation of Arlington and two state agencies ending long-term leases. The ARB oversaw a Request for Proposals process to fill available spaces. The Mystic River Watershed Association, an existing tenant, added space to and extended their lease, the Arlington Public Schools' Millbrook Program took a short-term lease, and the Arlington Retirement Board secured a three-year lease. The ARB entered into a Memorandum of Understanding with the Arlington Center for the Arts (ACA) with the goal of ACA raising funds to move into the remaining available space by July 2017 and enter into a long-term lease with the ARB.

The Town received a \$82,000 grant from the Massachusetts Historical Commission to preserve the exterior of the Jefferson Cutter House.



*Dallin Museum trustees with Town staff.
Photo by Heather Leavell.*

PLANNING & COMMUNITY DEVELOPMENT

The Department of Planning and Community Development (DPCD) is responsible for a wide range of activities and duties, including economic development, land use planning, housing policy, transportation projects, open space conservation, and neighborhood improvement efforts. DPCD administers programs to promote stable neighborhoods and economic development, including the Home Improvement Loan Program, Menotomy Weatherization Program, and Storefront Enhancement Program. The Department conducts studies of important issues and long-range planning opportunities in the Town, and prepares plans and strategies for solving those problems. In addition, the Department assists in the preparation of the Town's long-term capital improvement plans.

DPCD coordinates the Town's efforts with state and regional planning agencies and it oversees the operation of the Arlington Redevelopment Board (ARB) and the Conservation Commission. The Department also administers the Town's federal Community Development Block Grant (CDBG) and HOME Programs. The ARB is the Town's Planning Board and is also the redevelopment authority. The ARB manages three town buildings: Jefferson Cutter House, Central School, and 23 Maple Street.

DPCD has nine full-time and four part-time staff members who support and participate on numerous Town committees, commissions and boards, and work with other departments in support of Town initiatives. The groups and projects with DPCD involvement include: Arlington Redevelopment Board; Master Plan Implementation Committee and four sub-groups (Zoning Recodification Working Group, Residential Study Group, Mill Brook Study Group, Historic and Cultural Resources Working Group); Vision 2020 and its Task Groups; Open Space Committee; Bicycle Advisory Committee; Transportation Advisory Committee; Housing Plan Advisory Committee/ Housing Plan Implementation Committee; Arlington Tourism and Econ. Development (ATED); Battle Road Scenic Byway Committee; Arlington Commission on Arts and Culture; Parking Implementation and Governance Committee; Disability Commission; Arlington Center Merchants Association; Arlington Heights Merchants Association; Support Arlington Heights; Support Arlington Center; and the Arlington Chamber of Commerce.

The Department reviewed ten (10) sign permit requests; reviewed and reported on nineteen (19) ZBA cases; and reviewed and commented on twenty-six (26) license applications, including six (6) restaurants that obtained sidewalk dining permits with assistance from the Department.

COMMUNITY DEVELOPMENT



Walkshop, 2016.

Mass Ave Phase II Streetscape

DPCD worked with the Department of Public Works and VHB, a consultant, to develop a conceptual design for improving Arlington Center. This is the first planning phase, which will result in a scope of work for the reconstruction of Massachusetts Avenue in Arlington Center from Pond Lane to Mill Street. The project will eventually involve reconstruction of the roadway and improvements to curbs, sidewalks, lighting, street trees, street furniture, and more in the project area. Broadway Plaza will get special attention, as the Town looks for new ways to make the area more inviting and vibrant. This project will be designed in keeping with the Town's Complete Streets policy, adopted by the Selectmen on April 11, 2016. DPCD hosted a series of public meetings to encourage public input, including three public forums and a walkshop.

Arlington Center Safe Travel Project

DPCD facilitated the MassDOT Arlington Center Safe Travel Project which was completed in 2016. The project area is around the intersection of Massachusetts Avenue and Pleasant Street Intersection. The primary goal of the project is to provide a safe connection for the Minuteman Bikeway through Arlington Center, improve roadway safety and mobility for all users, plus upgrade infrastructure (roads, signals, and curb ramps) in the project area.

Cultural Plan

DPCD launched a Town-wide cultural planning process working with the Metropolitan Area Planning Council (MAPC), the Arlington Commission on Arts and Culture (ACAC), and others. The project deliverable is an Arts and Culture Action Plan that aims to strengthen and grow arts and cultural opportunities in Arlington, leading to a thriving arts and cultural life for all. This project will also help the Town implement the historic and cultural resource area goals outlined in the Master Plan and bolster efforts to create a Cultural District from Arlington Center to East Arlington.

Economic Development

Arlington's Economic Development Coordinator managed the Department's Storefront Enhancement Program (SEP), in its third year, and initiated much needed façade improvements in East Arlington Center. Up to four additional grants are being planned with local business and property owners. The Department also worked with citizen groups in the neighborhood business districts to address the issue of business district improvements, particularly regarding the commercial vacancies in Arlington Center. In October, Special Town Meeting approved a bylaw that calls for the registration of vacant commercial and industrial property. In November the Department hired a new Economic Development Coordinator, who has commenced updating the Town's business inventory and reassessing the needs of the business community and each business district.

Affordable Housing

The Town of Arlington continued its strong support of affordable housing during 2016. The Master Plan recommended that the Town update its 2004 Housing Plan. Working with the MAPC and JM Goldson, the Housing Plan Advisory Committee, and the Arlington Redevelopment Board, the Department of Planning and Community Development developed a Housing Production Plan (HPP) for the next five years. The HPP documents the Town's changing demographics and housing trends, and developed goals and strategies for meeting the Town's current and future housing needs. The plan was adopted by the Redevelopment Board and the Board of Selectmen, and approved by the Massachusetts Department of Housing and Community Development. Implementation of the Housing Production Plan will begin in 2017.

The Housing Production Plan goals are as follows: encourage mixed-income housing through mixed use development in business districts, commercial corridors and other smart growth locations; Produce more, diverse housing for low and middle income households to address local needs; Foster an aging supportive community via housing choices that enable older adults to thrive in Arlington as they age; Ensure that zoning



Housing Production Plan forum, 2016.

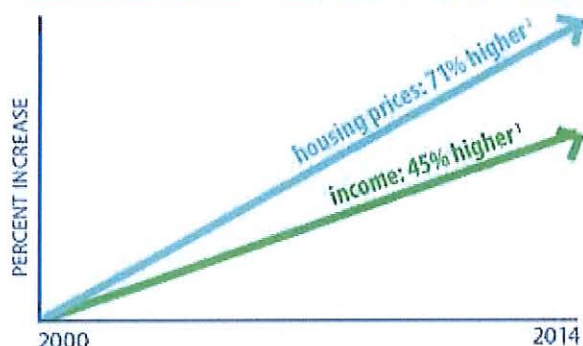
COMMUNITY DEVELOPMENT

allows flexible approaches to achieve housing affordability and livability; Increase capacity for housing production by allocating resources and educating the community about housing needs.

Additionally, multiple developments that include affordable housing units, moved forward:

- Kimball-Farmer House. The Housing Corporation of Arlington (HCA) completed renovation of this historic structure, which now houses three low or moderate income households.
- 20 Westminster Avenue. HCA received a Comprehensive Permit for 9 units of affordable housing in this former church.
- Downing Square. HCA received a Special Permit to develop 34 units of affordable housing.
- 117 Broadway. HCA received a special permit for 14 units of affordable housing and 5,000 square feet of retail space in this prominent location.
- DPCD oversaw a lottery for resale of a two-bedroom affordable condominium to a moderate income first time homebuyer.

SALE PRICES ROSE FASTER THAN INCOME.



Buying a house is too expensive for current residents.²

sale price affordable to a median income household in Arlington is about \$310,000, but the median sale price of homes in Arlington was \$580,000 in 2015.

The Warren Group, Town Stats 2014. Infographic for Housing Production Plan, 2016.

Community Development Block Grant program

The Community Development Block Grant (CDBG) program, a federal program under the Department of Housing and Urban Development (HUD), received and distributed \$1,042,348 for 2015-2016. Non-profits, Town departments, and local agencies apply for funding to improve the lives of low- and moderate-income residents. These funds are used to support the development and rehabilitation of affordable housing, non-profit programs and services, public facility projects, local businesses, and for housing and planning activities that

benefit income-eligible residents and neighborhoods. A portion of the funds were used to support compliance with Americans with Disabilities Act (ADA) requirements with the installation of sidewalk ramps. The Weatherization and Rehabilitation loan program continues to make low interest loans available for low-income homeowners to make energy improvements and other code improvements. These programs are also supported by Eversource and National Grid. This year's funds also supported student athletic scholarships, scholarships to attend the Boys and Girls Club throughout the summer, food rescue and distribution to local Arlington programs and agencies, summer meals to students who may depend on school meals during the school year, rehabilitation of local homes, a summer jobs program through the Boys and Girls Club and Fidelity House, youth counseling services, senior transportation and volunteer coordinator, and the Life and Skills Building to be constructed at Menotomy Manor.

CDBG Accomplishments

- Installed 71 ADA-compliant ramps to make our streets and sidewalks more accessible to people with mobility impairments.
- Assisted twelve public service agencies with efforts ranging from assisting low-income older people with daily transportation needs to addressing food insecurity afterschool and during summer months.
- Arlington Home Improvement Loan Program issued five new loans to income eligible homeowners and completed all five projects by June 30th. Three additional loans (IDIS#'s 1134, 1135, and 1158) from the previous year were also completed during the program year. Of the eight completed loans, two were issued to extremely low-income households and six were issued to low-income households. A total of 8 units were rehabbed: seven single-family homes and one, two-family home. 20 people were served. No displacement of occupants occurred as a result of the rehab work.
- Assisted Housing Corporation of Arlington (HCA) in completing acquisition and predevelopment for 20 Westminster Avenue into nine affordable rental housing units. The total number of affordable rental units owned by the HCA is now 93, with an additional 50 in the pipeline.
- Two loans were made under the Storefront Enhancement program.
- One affordable condominium was resold this year through a lottery.

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Master Plan

Town Meeting in 2015 voted to endorse the Arlington Master Plan, "Your Town Your Future" with approximately 75% of its members voting in favor of the Master Plan. In 2016 the Department of Community Development and Planning undertook a number of initiatives to implement portions of the Master Plan. The Master Plan Implementation Committee (MPIC) worked closely with the ARB, supporting their efforts to advance zoning warrant articles that promote growth along commercial corridors and to add some controls on the size of new housing development in residential neighborhoods.

A number of near-term and mid-term recommendations of the Master Plan have already been implemented or are in process.

- A Housing Production Plan was completed and adopted by the Redevelopment Board (6/2016) and Board of Selectmen (7/2016), and approved by the State (10/2016), with specific recommendations for increasing the town's deed-restricted affordable housing, and specific sites recommended for future housing development.
- A parking study was conducted for multi-family residential and mixed use development, to determine actual parking usage, and project parking need. (March, 2016)
- A Complete Streets policy was adopted by the Selectmen (April, 2016), and MassDOT (May, 2016). MassDOT funding for pedestrian improvements on Gray Street was granted in the amount of \$400,000.
- Many of the recommendations in the Arlington Center Parking Management Plan have been implemented. Multi-space meters in parking lots have been replaced and single space meters installed in Arlington Center.

In the fall of 2016 four new groups were formed to advance implementation of the Master Plan:

The Zoning Recodification Working Group is overseeing the rewriting of the Zoning Bylaw, also known as "recodification." Our current Zoning Bylaw was written in 1975. While it has been amended many times over the past 40 years, many of the definitions and uses are outdated or not in compliance with state regulations, and the Bylaw does not reflect best practices in national, state, and regional zoning and planning. A consulting firm, RKG, was selected to help the Town with this process. A new zoning bylaw is anticipated before the end of 2017.

The Residential Study Group is working on addressing neighborhood concerns about new residential development in existing residential neighborhoods.

This committee has representation from Town officials, residents, Town Meeting members, and the real estate and development community. Proposed town and zoning bylaw amendments are aiming to address driveway slopes, and implementing a "Good Neighbor Agreement" to govern demolitions, new construction, and large additions.

The Mill Brook Working Group was formed to increase awareness and guide changes in the Mill Brook corridor. The Mill Brook was recognized by the Master Plan as a "hidden gem [with the] potential to spawn transformative change." It has the potential to be a multi-faceted resource for the Town, by providing opportunities for open space, economic development, housing, and historic preservation. During this past year the committee sponsored a clean-up day in the area around the Reservoir, and started a planning process for the area around Wellington Park, in concert with the Mystic River Watershed Association.

The Historic and Cultural Resources Working Group includes representatives from the Town's Historic Districts Commission and Historical Commission, the Arlington Historical Society, and the Department of Planning and community Development. It is focused on updating the Town's Historic Resources Inventory, including identifying and documenting properties not now on the Inventory. Additionally it is looking at creating an historic structures report for the Arlington High School building. The Group has applied for funding to pay for a consultant from the Community Preservation Committee and the Massachusetts Historical Commission.

DPCD's Goals for 2017

Over the next year, DPCD plans to:

- Implement the Arlington Master Plan with particular focus on advancing Housing, Economic Development, Transportation, and Historic and Cultural Resource Areas strategies.
- Implement year two of the five-year Housing Production Plan, including adding units to the Subsidized Housing Inventory.
- Implement year two of the five-year Open Space and Recreation Plan.
- Improve sections of the Mill Brook Corridor, including increasing connections to the brook and organizing clean-ups to improve access and water quality.
- Secure design and engineering funding for Massachusetts Avenue Streetscape Phase II Plan.
- Work with property owners and developers of properties along Massachusetts Avenue and Broadway to encourage mixed-use, including

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- residential and commercial development.
- Secure state funding to update and improve local and state historic property inventories.
- Amend entire Zoning Bylaw for review and approval at a fall Special Town Meeting
- Update administrative, permitting, and coordination across boards and commissions to ensure clear protocols and procedures are followed.
- Work with all business districts to understand challenges and opportunities in each and direct resources and assistance to each to assist with business development, recruitment and retention.
- Implement Vacancy Commercial and Industrial Property Registry Bylaw, including assisting property owners with marketing of available spaces, installing public art in vacant spaces, and enforcing maintenance of properties.
- Complete an Arts and Culture Action Plan.
- Work with the CDBG Subcommittee to improve the Town's Community Development Block Grant Program.
- Assess ARB property portfolio and determine need for renewal of Arlington Center Urban Renewal Plan.
- Continue to work on numerous capital plan projects at five properties.
- Work with stakeholders to celebrate the 25th anniversary of the Minuteman Bikeway and consider improvements along the corridor, including lighting and bikeway hours.
- Have a Minuteman Cultural District designated by the Massachusetts Cultural Council that will connect the Center to East Arlington.
- Secure grants and other capital for the Senior Center at the Central School to begin a major renovation to begin in 2019.
- Continue to provide reviews of ZBA cases, licenses, and permits.
- Propose and develop priorities for Parking Benefits District.

PERMANENT TOWN BUILDING COMMITTEE

The Permanent Town Building Committee (PTBC) was established by Town Meeting to oversee the design and construction of new buildings and major renovations for Town of Arlington properties. The Committee is comprised of five citizen members, appointed jointly by the chairs of the Selectmen, Finance Committee, and School Committee, a representative of the School Committee and in addition the Town Manager, Superintendent of Schools, and Director of Public Works or their designees.

Activities in 2016

Community Safety Building Phase 3 (interior renovation): Scope of work includes functional improvements to police department operations and systems upgrades to achieve LEED (Leadership in Energy and Environmental Design) Silver. Substantial Completion achieved in early October. Project close out in process. Project budget \$8,130,500.

Stratton School (partial renovation): Scope of work includes new roof, windows and HVAC on east side of the building to match prior work on west side; a new Media Center and expanded Food Service and Administration areas; technology, fire protection, lighting, and accessibility upgrades throughout. Modular classrooms erected on site to house students during the construction period. Construction contract awarded in March and completion expected for fall 2017 occupancy. Project budget \$15,793,000.

Thompson School addition: Modular classrooms leased to accommodate growing school population while construction of a six class room expansion is undertaken. Construction contract awarded in October and completion expected for fall 2017 occupancy. Project budget \$4,000,000.

Gibbs School renovation: Gibbs Junior High, currently leased to private tenants, is being renovated to accommodate sixth grade students from the overcrowded Ottoson Middle School. Scope of work includes some reconfiguration of interior space, building envelope improvements and upgraded building systems. A construction manager at risk has been hired to expedite the design and construction process. Construction starts July 2017 and project completion expected fall 2018. Project budget \$25,000,000.

COMMUNITY PRESERVATION COMMITTEE

Arlington began implementing the Community Preservation Act (CPA) in late 2015. The CPA allows cities and towns to reserve dedicated funds to preserve open space and historic sites, create affordable housing and develop outdoor recreational facilities. CPA projects are financed by local revenues collected from a property tax surcharge (in Arlington, 1.5% of the net tax levy minus exemptions), plus annual distributions from the state CPA trust fund.

The Community Preservation Committee studies local community preservation needs, recommends CPA appropriations to Town Meeting, and oversees projects funded by CPA. In 2016, the committee held public informational meetings, drafted a Community Preservation Plan, received and reviewed nine project applications for FY2017 CPA funding, hosted public applicant presentations, and ultimately recommended seven community preservation projects to Town Meeting for

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funding. The Committee consulted with the Board of Selectmen, Finance Committee, Capital Planning Committee, and other Town leaders in reaching our funding recommendations.

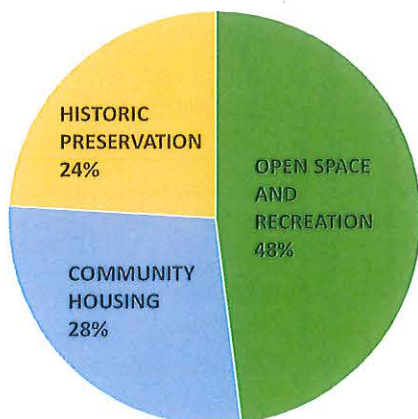
Local projects funded by CPA in FY2017

Following the recommendation of the Committee, Town Meeting appropriated a total \$1,430,509 in CPA funds for FY2017 for local community housing, historic preservation, and open space/recreation projects:

- \$636,749 for playing field rehabilitation and upgrades and ADA access renovation of Robbins Farm Park.
- \$49,760 to study options for shoreline preservation and erosion mitigation along public portions of Spy Pond
- \$289,000 to rehabilitate and preserve the Whittemore-Robbins Carriage House, an original part of the historic estate.
- \$200,000 to the Arlington Housing Authority to help replace leaking windows at Drake Village.
- \$200,000 to the Housing Corporation of Arlington to help create three units of affordable housing at the renovated historic Kimball Farmer House.
- \$35,000 to the Jason Russell House for preservation work and an engineering assessment of this important Revolutionary War site.
- \$20,000 to the Old Schwamb Mill for a new roof to protect the historically important barn outbuilding on the complex.

FY2017 CPA Project Appropriations by Category

In 2016 the Kimball-Farmer House project was completed and is now occupied. The Spy Pond and Jason Russell studies are underway and will be available to the public in 2017. Also in 2017 we look forward to



the completion of the Robbins Farm Park, Whittemore-Robbins Carriage House, Drake Village, and Schwamb Mill Barn projects.

For more information, please visit arlingtonma.gov/communitypreservation.

ZONING BOARD OF APPEALS

In 2016 the Zoning Board of Appeals as prescribed in Massachusetts General Laws, Chapter 40A, The Zoning Act, and, also, as further clarified by the Town's Zoning Bylaw, heard and rendered decisions on eleven petitions. Since its inception in 1946 the Zoning Board of Appeals has heard and rendered decisions on over 3,300 appeals. Petitions heard by the Board include Variances, Special Permits, Appeals from the Decision of the Building Inspector, and comprehensive permits (Chapter 40B).

The Zoning Board of Appeals is comprised of five regular members: the Chair and four appointees and two associate members. For any decision to be granted, the vote of the five-member board must carry a super majority. All hearings are open to the public and are generally held on the second and fourth Tuesdays of the month, as needed. The meetings are usually held in the conference room located on the second floor of the Town Hall Annex. All hearings are advertised in The Arlington Advocate for two consecutive weeks and posted on the Town Clerk's Bulletin Board at least three weeks prior to the hearing date. Hearings are also posted on the Town website and abutters to the property are notified by mail. To receive ZBA Agendas by email, subscribe online atarlingtonma.gov/subscribe. The Rules and Regulations of the Zoning Board of Appeals are on file in the Office of the Town Clerk and in the Zoning Board of Appeals' Office at 51 Grove Street.

2016 Petitions Heard By ZBA

Petitions for Variance	2
Applications for Special Permits	6
Appeal of Decision of Inspector of Buildings	2
Amendments to SP/Variances	0
Comprehensive Permits	1
Total	
Total Petitions filed with Town Clerk	17
Total Hearing Continued by the board	10
Total Petitions withdrawn	1
Total Petitions sent to ARB	6

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CONSERVATION COMMISSION

The Arlington Conservation Commission (ACC) is required by state and local laws to protect and preserve wetlands and waterways and their surrounding areas. The ACC is comprised of seven (7) volunteer Members and one (1) or more volunteer Associate Members, who are appointed by the Town Manager with the approval of the Board of Selectmen, and a part-time, paid administrator. Through bimonthly meetings and on-site visits, ACC members work to ensure that all construction and development projects, residential and commercial, that may alter any wetlands, floodplains, rivers, streams, ponds, and/or lakes are in compliance with state and local regulations. ACC also protects and manages the Town's Conservation Lands and natural resources.

ACC is mandated to protect wetlands, waterways, water supplies, fisheries, wildlife and wildlife habitat as well as regulate activities in a floodplain through its administration of the Massachusetts Wetlands Protection Act and the Arlington General Bylaw for Wetlands Protection. ACC members regularly seek continuing education to keep abreast of frequently changing regulations and to assist applicants through the regulatory process.

In 2016, ACC held twenty-seven (27) public meetings, and provided coordination, monitoring, permit review, and consultation on numerous residential and municipal developments around Town. ACC issued sixteen (16) Permits/Orders of Conditions, four (4) Certificates of Compliance, and one (1) Determinations of Applicability. The ACC initiated seven (7) Enforcement actions and conducted over twenty site (20) visits.

ACC provided detailed comments on the comprehensive permit application filed with the Zoning Board of Appeals for the proposed Thorndike Place multi-unit residential development in east Arlington on land known as the Mugar parcel. Under the comprehensive permit law, General Laws chapter 40B, the ZBA administers the Arlington Wetlands Protection Bylaw, but the developer still must apply to the ACC for a permit under the Wetlands Protection Act. Thorndike Place has not yet filed any application with the ACC.

Mystic Riverfront Restoration Grant Awarded

In the fall the Massachusetts Department of Environmental Protection (DEP) awarded the ACC and the Town of Arlington the Natural Resource Damages Assessment and Restoration Program Grant (Doc. No. BWSC- NRD-2015-02 COMMBUYS Bid#: BD-15-1045-BWSC0-BWSC1-00000005835). The grant is in the amount of \$ 47,325.

The Restoration project will create a native riverbank (riparian) habitat and improve stormwater quality. It is located along the Mystic River at the end of Park Street in the area that was directly impacted by oil released from a tanker truck that overturned nearby on

Route 60 in May 2013. The Restoration project will provide slope stabilization along the riverbank, enhance the natural ecosystem, and help to improve water quality of the river. The Restoration project will include direct involvement from the surrounding environmental justice community during creation of additional riparian habitat and will include the placement of educational signage along the existing adjacent footpath.

The DEP grant provides the funds for the restoration and enhancement of the riverbank habitat and the drain pipe outfall improvements. The Town has agreed to fully fund the installation and maintenance of a new pretreatment system for the storm drain pipe. This related project, managed by DPW, will capture oils, sediment, and litter to reduce contamination and sedimentation in the Mystic River. The combination of these two projects will provide for the sustainable restoration of the Upper Mystic River Bank and the improvement of local water quality. Planning for the project began in November 2016 in cooperation with the Planning Department and DPW. The project is expected to break ground late spring 2017.

Spy Pond Shoreline Protection Project

Following passage of the Community Preservation Act, ACC applied for funding in the FY2017 funding cycle and was awarded \$49,760 for a feasibility study and detailed survey of four Town-owned parcels along Spy Pond (Spy Pond Park, Scannell Field, land adjacent to the Boys and Girls Club, and Spring Valley Street). The work undertaken during 2016 found that the Spy Pond Park shoreline is marginally stable with scattered instances of loss of vegetation, compacted soils, and uncontrolled access. The other three areas, however, present unstable conditions for similar reasons.

The goals of the project are to preserve, stabilize, and strengthen the pond's banks to control erosion; protect and enhance wildlife habitat; prevent unauthorized paths; broaden and strengthen constituency groups; increase water quality and recreational opportunities; and improve stormwater infiltration. ACC is submitting a phase two CPA grant application for FY2018 to implement the project's recommendations.

Land Stewards

ACC's volunteer citizen organization, Arlington Land Stewards (ALS) has assisted in managing twenty-four (24) Town-owned conservation lands comprising approximately thirty (30) acres. Land stewards monitor, coordinate, and maintain (with permission from the ACC) conservation land of their choice, often in their immediate neighborhood or sometimes elsewhere in Town. Each land steward is provided with a stewardship handbook listing the location of conservation lands, conservation land regulations as well as problem/solution management information. The handbook is avail-

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able online at arlingtonma.gov/conservation.

This year steps for easier access were installed by an Eagle Scout at Mt. Gilboa. More information about the Town's conservation land and other open spaces may be viewed on the Town's new "Open Space and Recreation Areas" application, which can be accessed at arlingtonma.gov/openspace. Volunteer Guidelines can be found on the Commission's website on the Conservation Land Stewards page.

Water Bodies Oversight

In 2016 ACC, through its Water Bodies working group, assumed leadership in coordinating the Water Bodies line item in the Town Budget process. In the past, the Vision 2020 Spy Pond Group had taken the lead. Since a number of other water bodies are also managed by the Town, ACC would be more appropriate to assess the needs of all water bodies and prioritize funding requests. The first step was a survey and assessment of all the water bodies, including streams, in Arlington. The ACC then determined priority locations for active management. The five top locations were determined to be: Arlington Reservoir, Hills Pond, Mill Brook, McClennen Park Detention Ponds (on Reeds Brook) and Spy Pond.

New to the efforts for last year was an assessment of the McClennen Park Detention Ponds which might be affected from seepage from the landfill there. Using approved budget from the Water Bodies Fund, the ACC has provided oversight to assessment of these ponds by Brown & Caldwell. Sampling of the surface water and sediment in the ponds was performed on December 8, 2016. These results are expected in early 2017 and will inform further investigations of the ponds towards the broader goal of improving the site's aesthetic, recreational, and wildlife functions.

Arlington's Great Meadows (AGM)

This was the second year since the ACROSS Lexington paths were extended into East Lexington and included parts of AGM. The C loop connects AGM with the Arlington Reservoir, and the D loop connects north to the Whipple Hill Conservation area. The new signage makes navigation much easier and more people are discovering these open space areas. <http://www.lexingtonma.gov/selectmen/committee/acrosslexington.cfm>

To introduce people to Arlington's Great Meadows, the Friends of Arlington's Great Meadows (FoAGM) group sponsors seasonal "Walk All Around AGM" events led by Arlington resident and ACC member David White. FoAGM has also continued with regular trail and kiosk maintenance including replacing broken and rotting boardwalk treads.

FoAGM, with the help of volunteers, continued to work to control invasives and the re-growth of woody

vegetation in the recently restored upland "entry meadow" at the northwest corner of AGM by hand trimming. FoAGM also continued their efforts started in 2005 to clear and maintain an approximately 100-yard stretch of AGM along the Minutemen Bikeway that had become densely overgrown with the invasive plant Japanese Knotweed. This area is now mostly knotweed-free, preserving a stunning view of the Meadows from the bikeway.

Acknowledgments

ACC would like to express its sincere gratitude and best wishes to retired Conservation Administrator Cori Beckwith for her 16 years of unwavering dedication and service to ACC and the Town of Arlington.

ACC also sincerely thanks all individuals and organizations that contributed directly or indirectly to the activities of its fifty-first (51st) year. Many special thanks go to the scores of volunteers who came out for clean-up projects, assisted as land stewards, or participated in the many Friends groups that work to preserve the Town's natural resources and conservation lands.

OPEN SPACE COMMITTEE

Arlington's Open Space Committee (OSC) was established by Town Meeting in 1996. Members are appointed by the Town Manager and include concerned citizens and representatives of key Town departments and commissions. The Committee meets monthly to exchange ideas and discuss ways to protect, maintain, and promote the Town's open space and recreation resources. The Committee serves an oversight function but does not have direct management responsibility for Town properties. It seeks to enhance communication and coordination among those entities that do have ownership and management authority. In addition, the OSC works to raise broad-based community concerns and to advocate for the protection, stewardship, and appropriate uses of the Town's open spaces.

The Committee's primary responsibility is to prepare the Town's official Open Space and Recreation Plan (OSRP), monitor its provisions and goals, and document accomplishments. The current Plan covering the years 2015 to 2022 was approved and adopted as Town policy in the fall of 2015. Printed copies of the complete Plan and Appendices were distributed in early 2016 to the Robbins and Fox libraries, Department of Planning and Community Development, Board of Selectmen's and Town Manager's offices, and certain other Town departments.

Working with Information Technology (IT) staff in the Department of Planning and Community Development, the Committee developed "Experiencing Arlington's Open Spaces," a web-based application that makes much of the Plan's site information available for

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viewing on a computer, smart phone or tablet. For each of the nineteen open space sites featured there are multiple photographs and a brief description of the property, as well as a map showing access points and internal walking trails.

Another project that continued through 2016 also builds on the OSRP by promoting safe and interesting walking routes that connect open spaces and other significant sites around Arlington. The project, called Take-A-Walk, focused first on routes in East Arlington. Many ideas were generated at a community meeting held in January, and subsequent revisions to the map were compiled by Committee members with IT staff support. The final map features highlighted walking routes around East Arlington neighborhoods, with photos of selected sites. It is available in both printed form and online on the Town's OSC website. Arlington Heights, including both sides of Mass. Avenue, is the focus of another set of maps to be developed in 2017.

A third project, developed by OSC member John Pickle, encourages residents with digital cameras and smart phones to take documentary photos at designated locations at Menotomy Rocks Park and the Reservoir, with other sites to be added later. This Picture Post initiative is linked to a national database that archives photos documenting the same locations over time so the visual data can be analyzed for future scientific, maintenance and planning purposes.

Committee members also continued to monitor and contribute to a wide range of open space projects and activities that affect the Town and its residents' quality of life, including the Community Preservation Act, which was adopted in late 2014 and offers a new source of funds for open space and recreation resources; the Water Bodies Fund, which funds control of invasive plants and water quality issues at Spy Pond, the Reservoir and other sites; and expansion of the ACROSS Lexington trail system into Arlington's Great Meadows and the Reservoir area, in coordination with the Conservation Commission. As part of its community education goals, OSC participated in Town Day in September, as it does each year.

An ongoing open space concern is the proposed development of the Mugar property in East Arlington under the state's Chapter 40B provision. Protection of this sensitive wetland has been a goal of the Town's Open Space and Recreation Plan since the 1990s. OSC joined many Town entities, the Arlington Land Trust, and other environmental organizations to advocate for conservation of the Mugar land due to potential flooding and related ecological problems.

The Committee's previous work on researching and raising awareness about Mill Brook and the possibility of enhancing that natural resource corridor was adopted as a priority in the 2015 Master Plan, and a new Mill Brook Working Group is part of the Master Plan

Implementation Committee, with OSC involvement.

During 2016 several new members joined the Committee: Wendy Richter as the liaison for the Arlington Redevelopment Board, Nat Strosberg for the Department of Planning and Community Development, and citizens Kelsey Cowan and Brian Kelder.

The Committee will concentrate on monitoring the many goals and objectives outlined in the 2015-2022 Open Space and Recreation Plan and develop an online process for documenting accomplishments, in preparation for the next version of the Plan. It will continue work on the Take-A-Walk and Picture Post projects and the expanded use of the Town website to disseminate maps and other information about local open spaces and recreational facilities. Members will continue their collaborations with other Town departments, committees, and community groups to advocate for the proper maintenance and management of the Town's valuable open space and recreation resources. In particular, members will work with the Master Plan Implementation Committee, Community Preservation Committee, Vision 2020, and Town departments of Planning and Community Development and Public Works to ensure that open space and recreation recommendations are fully incorporated into all future Town-wide planning.

TRANSPORTATION ADVISORY COMMITTEE

The goal of the Transportation Advisory Committee (TAC) is to improve the quality of life in Arlington by improving safety, mobility, and access for people using all modes of transportation, and contribute to improving the environment and public health. In this effort, TAC works closely with the Arlington Police Department's Traffic Division, Public Works and the Planning Departments, Arlington Schools, and the Arlington Bicycle Advisory Committee.

The Traffic Authority for Arlington is the Board of Selectmen. The TAC was established by the Board of Selectmen in 2001 to advise the Board on transportation matters. Resident and business members of the Committee at the end of 2016 were: Seth Federspiel, Michael Gordon, John Hurd (Chamber of Commerce), Melissa Laube, Jeff Maxtutis (Co-Vice Chair), Marjorie Moores (Co-Vice Chair), Howard Muese (Chair), Victor Rivas, Scott Smith, and Town Staff members Officer Corey Rateau (Police), Wayne Chouinard (Public Works), and Laura Wiener (Planning, Committee Secretary).

Highlights

Lake Street Corridor Recommendations: TAC completed a comprehensive analysis of the Lake Street Corridor in late 2014 and presented its findings to the Board of Selectmen (BoS) in February 2015. The TAC report recommended the installation of a new traffic/pedestrian/bicycle signal at the intersection of Lake Street

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and the Minuteman Bikeway to improve operations and safety; signal improvements at Brooks Avenue; signage and pavement marking changes; handicap access improvements; and vegetation maintenance. The BoS was cautiously supportive of the TAC recommendation for a signal and requested that TAC conduct a field test simulating a traffic signal using police officer control at the Lake Street/Bikeway intersection.

The test was conducted in June 2015 and the results were presented to the BoS in February 2016. The TAC concluded that the proposed signal would provide a modest decrease in traffic delay and vehicle travel time during weekday peak hours without any significant adverse effect on pedestrians and bicyclists. Due to the complexity and issues involved in constructing a new signal at this location, TAC recommended forming a design review committee which would evaluate issues and identify constraints, design details, types and hours of operations, and costs. The BoS approved the TAC recommendation and the Signal Design Review Committee will begin meeting in January 2017.

Parking Implementation and Governance Committee: This committee was formed to implement improvements to parking in Arlington Center as described in "Arlington Center Parking Study" approved by the BoS in 2014. The study of Arlington Center parking was initiated by the TAC. During the past year, the multi-space parking meters in municipal parking lots were replaced, and on-street single space parking meters were installed throughout Arlington Center. This was done to increase on-street parking availability in Arlington Center by encouraging long term parking in the municipal lots to increase parking turnover on the streets near restaurants, businesses, and services. Initial feedback has been good. In 2017 monitoring and adjustments to the program are anticipated, and discussion with Town Meeting is expected about forming a Parking Benefits District, so that excess parking revenue can be returned to Arlington Center to provide improved access to Russell Common Parking Lot, lighting, sidewalks and signing. Several members of TAC serve on the parking committee: Howard Muisse (TAC Chair) is TAC representative to the parking committee; Laura Wiener (TAC Secretary) is the Planning Department representative; Corey Rateau is Police Department representative; John Hurd (TAC Chamber of Commerce representative) is Arlington Center business representative; Mike Gordon is a resident representative.

Safe Pedestrian Access at Bus Stops: TAC initiated a study to evaluate pedestrian access at

stops on all bus routes in town, except the 77 which was analyzed by TAC as part of the MBTA Key Bus Routes Study and the reconstruction of Massachusetts Avenue in East Arlington. A working group is considering issues of pedestrian access to bus stops, including sidewalk conditions, signage, visibility for cars and pedestrians, boarding, and traffic volume.

Crosswalk Flag Program: TAC continued to maintain the pedestrian crossing flag program near elementary schools, to provide more visibility for students crossing busy streets on the way to school. The program expanded to a total of eight locations around Town. The program is now being funded by the Arlington Schools. TAC previously adopted Flag Program Guidelines, which it uses for evaluating potential new locations requested by residents. TAC members currently maintain the flags and canisters at each location.

Lowell Street Improvements: Following implementation of safety improvements (signing) on Lowell Street adjacent to the Town Reservoir, TAC continued working with the neighborhood to evaluate additional infrastructure improvements to reduce traffic speed and improve safety in this area. A plan for infrastructure changes was developed by the Town Engineer and approved by TAC. The recommended Lowell Street infrastructure improvements include new concrete sidewalk, LED warning blinker signs, smart driver feedback sign, solar powered pedestrian activated warning beacon, and ADA compliant handicap access ramps.

Complete Streets Policy and Funding: A Complete Street is one that serves all users—pedestrians, drivers, bicycle riders, transit riders and freight carriers. TAC and its partners developed a policy that was adopted by the Board of Selectmen for the Town's road construction projects, to encourage healthy transportation and reduce car travel. The Town was awarded \$400,000 in Complete Streets funding from MassDOT for sidewalks and other pedestrian improvements on Gray Street. The goal of the project is to encourage more Ottoson Middle School students to walk to school rather than being driven.

Local Speed Limits and Speed Safety Zones: The Legislature approved changes to the motor vehicle laws that allow local governments to adopt a reduction in the default speed limit from 30 mph to 25 mph and establish speed safety zones with speed limits of 20 mph. Town Meeting opted into the program in the fall and the BoS requested the TAC

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to study the issue and make recommendations. A working group has been established and hopes to make initial recommendations early in 2017.

Speed Table at Magnolia and Herbert Streets: The Parks and Recreation Department has undertaken construction of improvements at Magnolia Park and has asked the TAC (via the BoS) to evaluate installing a raised intersection at the entrance to the park at the intersection of Herbert and Magnolia Streets. A TAC working initiated that effort in the late fall.

Reports: TAC studied and adopted recommendations to the Board of Selectmen on the following:

- Crosswalks at Warren and Beacon Streets
- Lowell Street Pedestrian Improvements
- Review of Thorndike Place (Mugar Property) Traffic Study
- Review of Downing Square Development Traffic Study

BICYCLE ADVISORY COMMITTEE

The Arlington Bicycle Advisory Committee (ABAC) has continued to work on making Arlington a better place to bicycle within and through, and has maintained its annual events to support that goal.

Highlights

ABAC's Winter Social was a great success; ABAC invited the bicycle committees from neighboring municipalities to come and share their recent experiences and perspectives. In particular, committee representatives discussed both successful and failing strategies for advocating for better bicycle facilities in their respective communities. The consistent message was that it is important to develop a good working relationship with a committee's municipality. One other item of note is that several of the committees' communities had developed bicycle plans.

ABAC's annual tour of Arlington was again blessed with good weather, and it highlighted the newly rebuilt Central Fire Station with a full tour of the facility by the Fire Department. The tour also went through East Arlington, making good use of the new bike lanes on Mass. Ave. The tour ended with a reception at the Regent Theater to honor and further celebrate an anniversary year of the Fire Department. Members of the Arlington Police Department (APD) escorted the ABAC tour.

Committee members again manned the ABAC booth at Town Day and distributed more than 60 youth helmets that were generously supplied by the law firm of Breakstone, White & Gluck PC. In addition, the law firm generously supplied ABAC with a case of high visibility vests, which proved very popular. The booth also featured, in coordination with the Transportation Advisory

Committee (TAC), a presentation on how the HAWK (high-intensity activated crosswalk beacon) lights, that will soon to be installed at Swan Place, will work. ABAC members talked with many citizens about a number of concerns and ideas, including bringing a Bike Share Program to Arlington the importance of following all local rules covering bicycling, and the importance of safety and visibility regarding sharing the road with other types of users. ABAC also had a signup sheet to add people to its email distribution list.

ABAC continued its semiannual meetings with the bicycle advisory groups in Lexington and Bedford to discuss such matters as unified way finding signage, Minuteman Bikeway counts, and ways of effectively communicating Bikeway issues among users in all three towns.

ABAC members and the Department of Planning and Community Development (DPCD) put in significant time and energy reapplying for the Bicycle Friendly Community designation with the League of American Bicyclists. ABAC is pleased to report that Arlington has been recertified at the Bronze Level. ABAC's aim is for Arlington to be certified at the Silver Level at the next certification round.

Bikeway counts were conducted at Swan Place on two days (i.e., one in May and the other in October) to gather data on the volumes of different types of Bikeway users. Like counts in past years, the data shows that the Bikeway is extremely popular. ABAC and the DPCD have started investigating the use of automatic bike counters. These counters would significantly increase the amount and accuracy of data collected in future Bikeway counts.

Arlington's COBWEB (Cops on Bicycles with Education for Bicyclists) officers regularly attended ABAC's meetings, which led to useful exchanges of ideas, including supplying the APD with information on HAWK lights.

ABAC again discussed changes in the Bikeway's hours to make it more compatible with current usage, especially near Alewife. This is a topic that will be on ABAC's agenda throughout the coming year.

Other ABAC Activities and Initiatives

- Examined and deliberated on the issues and concerns regarding the intersection of the Bikeway and Lake Street, and provided input to TAC on the matter. TAC will be sending representatives to upcoming community working groups regarding the intersection.
- Presented to the Board of Selectmen to initiate a campaign for writing letters of support to the Massachusetts House of Representatives regarding two bills involving bike safety.
- Worked with the local branch of Whole Foods to install a bike pump and repair sta-

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tion at no cost to the Town.

- Participated in the meetings about the Mass. Ave. Phase II conceptual design process.
- Participated in the recent Mass. Ave. and Arlington Heights walkshops.
- Worked with the Chamber of Commerce on a positive citation awards program.
- Worked with Cecily Miller on arts projects for the Bikeway.
- Participated in a Somerville Bicycle Committee event at the Aeronaut Brewery.
- Instigated the effort to form a committee celebrating the 25th anniversary of the Bikeway; the 25th Anniversary Committee was officially voted into existence by the Board of Selectmen on January 9, 2017.
- Worked with the Disability Commission on relocating bike parking to accommodate handicapped parking needs.

ARLINGTON HOUSING AUTHORITY



The Arlington Housing Authority is proud of its distinction of being the largest single provider of affordable housing in the community.

Our mission is to provide adequate, affordable, and safe housing to low, very-low, and extremely low-income families from the Town of Arlington and surrounding communities through collaborative partnerships with community agencies, and to manage Housing Authority finances in a fiscally responsible manner. This year marks the Authority's sixty-ninth year offering housing to low- and moderate-income persons either through direct housing in government owned developments or subsidized housing in privately owned dwellings.

The Arlington Housing Authority manages 1,156 housing units: 520 units for the elderly and disabled at Winslow Towers, Chesnut Manor, Cusack Terrace, Drake Village, Decatur Gardens, and the Hauser Building; 179 units of family housing at Menotomy Manor, with ten handicapped accessible wheel chair units; the Donnelly House for 13 developmentally challenged residents; and 422 Housing Choice Vouchers that help participants live in privately-owned dwellings throughout the community.

The Authority is a quasi-governmental agency created by Arlington's Town Meeting in 1948 that administers these programs sponsored by the State or Federal government. Properties owned by the Authority are exempt from local property taxes, yet the Authority annually pays the maximum "in lieu of" taxes as allowed by state statute.



Paul "HAPPY" Frederick enjoying the Annual Tenants Party!

Board of Commissioners

The Board of Commissioners of the Authority is the policy making body of the agency. The five members of the Arlington Housing Authority's Board of Commissioners are: *Chairman*, Richard B. Murray, *Vice-Chairman*, Daniel Brosnan, *Treasurer*, Joseph Daly and *Members*, Brian Connor and Nicholas Mitropoulos.

The Executive Director, John J. Griffin, is appointed by the Board of Commissioners and manages the day-to-day operations of the Authority.

In August of 2016 Brian Connor received the Governors appointment on the AHA Board of Commissioners replacing Gaar Talanian. The AHA Board would like to thank Gaar Talanian for his five years of exemplary service on the Arlington Housing Authority Board.



AHA Board Members Gaar Talanian, Richard Murray, and Dan Brosnan present the Tenant of the Year

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2016 in Review

In 2016 the AHA continued modernization work to all of its buildings, as well as the continued expansion of its tenant services support programs, and worked on creative partnerships with many housing groups and service providers in the community.

Below are a few highlights of successful projects at each building.

Cusack Terrace, 67 Units 8 Summer Street

Modernization projects that were completed during 2016 include the installation of new solar corridor windows, a new electric ADA compliant community room door which has improved accessibility for tenants and a new energy efficient generator. Upcoming projects include an elevator replacement.

Winslow Towers, 132 Units 4 Winslow Street

Winslow Towers modernization projects that were completed include replacing a 45 year old roof, installing two new ADA compliant electric doors at the main entrance and replacing the generator to a more energy efficient system. Current projects include installing two new elevators as well as building a new fire pump room. Future projects planned are the replacement of the windows that have been leaking and causing damage to the units.

Chestnut Manor, 100 Units 54 Medford Street

Modernization projects that were completed in 2016 include building a new handicap accessible ramp at the front of the building, which includes a new patio with sitting areas for residents. Balconies and railings were also repaired for tenants' safety. Upcoming projects include replacing the sewerage ejector pump.

Drake Village, 72 Units and the Hauser Building, 144 Units 37 Drake Road

Modernization projects that were completed in 2016 included complete renovation of two apartments. Current projects include replacing 41-year-old original windows with new energy efficient windows. Additional projects include installing a new ADA compliant electric sliding door, upgrading the old fob system for better security and replacing heat detectors in all apartments.

Monotony Manor, 179 Units Freemont Court

Upcoming modernization projects include the groundbreaking of the new Life and Skills Center. This exciting new project will create a larger space for programs including Operation Success, Fidelity House,

and the food pantry. Additional projects include replacing outdated hot water heaters.

Community Partnerships

2016 was a great year in expanding our partnerships with a number of community service program providers. The Authority continued to take advantage of the Community Work Program (CWP) sponsored by the Middlesex Sheriff's Office. Under the supervision of correctional personnel, inmates assisted the AHA maintenance staff in its spring and fall cleanup efforts.

Minuteman Senior Services has been very successful at our Drake Village location by providing services to our seniors and a meals program. The quality of life for our residents has improved with the helpful resources that Minuteman Senior Services provides.

In 2016 the Fidelity House continued afternoon programs in our Menotomy Manor Development that provides transportation to children, free memberships and financial assistance to make summer programs more attainable for families and their children. This program has been extremely successful, with a large number of residents participating.

The award winning evening program, Operation Success, continues to be a major factor in improving grades by providing homework help and guidance for the residents of Menotomy Manor. Janet Maguire and Peggy Regan run this program with a large group of young volunteers.

The continued partnership between the AHA and the Arlington Police Department has had a positive effect on the residents and neighbors of Menotomy Manor. The AHA continues to see a large decrease in crime and expanded services to the area. The AHA and Arlington Police Department held their annual National Night Out Cookout during the summer, which continues to draw great crowds and good times.

The annual cookouts for the elderly and disabled residents were held in each of our four elderly/handicapped developments. Residents continue to enjoy the good food, music, and great company.

The Arlington Housing Authority Board would like to thank all our partners for their hard work and we look forward to many new and exciting ideas being put into action in the coming year.

Challenges Ahead

The State Public Housing Reform Bill presented by the Department of Housing and Community Development and passed in 2014 by the State Legislators will have many negative effects on the Arlington Housing Authority and its operation, beginning with the loss of the ability of the voters in Arlington to elect their representative board member in the general election in 2017. The residents living in public housing will now elect one of the board members to the board. In 2016 we also

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received over 40 DHCD public housing notices of regulation changes that directly affect the operation of the AHA.

The average rent in our 520 units of elderly/disabled housing is \$416 per month and includes heat, hot water, and electricity. The average rent in our family units at Menotomy Manor is \$596 per month with the resident paying their own utilities. Over 95% of the residents living in the Arlington Housing Authority's public housing units would not be able to afford the new affordable housing units being built in Arlington. As the AHA continues to house the lowest income and disabled residents of our community the lack of support and lack of funding for the Town of Arlington's public housing program is a major concern. While the AHA applies for all funding opportunities available, and utilizes 100% of the funds received, there is still a great deficit in the funding needed to ensure optimal quality of life for our residents.

Administrative Services

The Authority continues to be a member of the MassNAHRO Centralized Section 8 Wait List program. The list is now open to all daily. Arlington residents are given a preference.

The AHA's website, arlingtonhousing.org, provides valuable information to those wishing to learn more about the AHA and its programs. Applications for housing can be downloaded from our website.

Wait Lists

Stated-Aided Elderly/Handicap One Bedroom Units

Arlington Applicants:	92
Non-Arlington Applicants:	<u>260</u>
Total	352

State-Aided Family 2-Bedroom Units

Arlington Applicants:	60
Non-Arlington Applicants:	<u>485</u>
Total	545

State-Aided Family 3-Bedroom Units

Arlington Applicants:	24
Non-Arlington Applicants:	<u>177</u>
Total	201

Section 8 Wait List

Arlington Applicants:	*648
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* Because Arlington is on a centralized wait list, the Section 8 wait list is extremely long; therefore, only Arlington residents and those employed in Arlington are listed for this program.

State Program Rents

Average Elderly/Handicap Monthly Rent:	
\$416/month (includes all utilities)	
Average Family Monthly Rent:	\$596/
month (tenant pays utilities)	

Acknowledgments

The Arlington Housing Authority would like to thank all its employees for their dedication throughout the year.

VISION 2020

Vision 2020, established by Town Meeting in June 1992, is a collection of committees that brings together residents, Town employees and Town leaders to study ideas for creating the community envisioned in the Town Goals enacted by Town Meeting in 1993. The Standing Committee is charged to "create, implement, monitor, and review methods for town-wide participation in the Vision 2020 process."

Vision 2020's Task Groups support goals related to: Business, Communication, Community and Citizen Service, Culture and Recreation, Diversity, Education, Environment, Fiscal Resources, and Governance. Task Groups may include multiple committees focused on specific missions. Task Group information can be found at arlingtonma.gov/vision2020.

A modest budget from the Town allows Vision 2020 to print materials for meetings and events, pay fees for Town Hall use, reimburse Task Groups leaders for out-of-pocket expenses, maintain survey software, purchase equipment for public events, and enable Task Groups to explore new programming ideas in response to events in the community.

Vision 2020 volunteers work with Town departments and organizations to create an annual survey to obtain data Town entities can use for planning. Results of the survey are provided to Town Meeting and to the groups who helped compose the survey; results are also posted at www.arlingtonma.gov/vision2020.

The 2016 Vision 2020 Survey was mailed to 19,317 households as an insert to the Town's Annual Census mailing in January of 2016. Thirty-eight percent of households responded, resulting in the processing of 7,386 surveys. As the response rate has increased, Vision 2020 volunteers have focused on procedures to make question development a collaborative, interactive process with the Town organizations involved to ensure well-defined goals and efficient reporting of the results.

Household responses received by March 18, 2016 were summarized and reported to Town Meeting, Town officials, and the groups that created questions for the survey.

Vision 2020 is among the Arlington committees

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and commissions participating in a project partially funded by a National Endowment for the Arts [NEA] grant awarded to Arlington-based True Story Theater. The grant helps fund the Arlington's Living Brochure project that began in October, 2015 and will conclude in September, 2017. Workshops and performances involving several Vision 2020 Task Groups provided important opportunities for public engagement throughout the year.

Notable Activities

- With the Arlington League of Women Voters, co-sponsored the annual Candidates' Night program.
- Sponsored Warrant Article 47 (Water Bodies Fund) for the 2016 Annual Town Meeting to appropriate \$50,000 to the Town's Water Body Fund for the maintenance, treatment, and oversight of the Town's water bodies.
- At Town Day, used demonstrations, art and craft projects, and interactive activities to inform and educate the public about Arlington matters and the work of our Task Groups. Diversity, Fiscal Resources, Education, and all Environmental Task Groups were represented.
- The Standing Committee began the process of creating a new Education Task Group by sponsoring two events during 2016 as part of a series that will continue into 2017. New volunteers joined the effort and a successful collaboration with the Superintendent and School Committee began a process of public engagement to formulate a set of community principles for education that will guide decisions in the next few years and allow more public insight into how curriculum and teaching practices develop from broader goals.
- In January of 2016, Vision 2020 presented information about volunteer opportunities and task group efforts at the community table in the lobby of Robbins Library. It was an opportunity for residents to share thoughts in a suggestion box and volunteers created a colorful visual display to capture the unique nature of the Vision 2020 mission.

Task Group Notable Activities

Diversity: The Diversity Task Group (DTG) meets regularly during the year to engage residents on a wide range of issues and provides ongoing leadership to the Superintendent's Diversity Advisory Committee, advocating for recruiting, employing, and retaining staff of color in the Arlington Public Schools.

In 2016 the Arlington DTG focused its activities around the theme of Stigma and Stereotypes, rein-

forced its partnerships with local organizations to advance its mission of fostering awareness, community, and action on diversity, and transformed its website into a powerful information-sharing and storytelling platform.

In January DTG and True Story Theater, an Arlington-based improv playback troupe organized two workshops: Stories of Stigma and Being an Active Upstander. Stories of Stigma, served fifty participants and invited the audience to share personal stories about feeling stigmatized or realizing one had stigmatized others. Being an Active Upstander taught participants techniques for speaking up and intervening in incidents involving bullying, stereotyping, or abuse. By popular demand, a second edition of both events we held in May.

In March DTG launched a new partnership with the Arlington Center for Arts, which agreed to host the exhibit "Stereotypes: A Conscious Look at Race, Faith, Gender, and Sexual Identity" from March 7 to April 15 at the Gibbs Gallery. This photography exhibit by Kevin Briggs included fifteen photographs of individuals categorized by race, faith, gender, and sexual identity, with words used to stereotype each category projected onto the photos. This well-attended six-week exhibit received both rave and controversial reviews, and reached its ultimate goal to initiate conversations in town about stereotyping and racial bias. With the attendance of two classes from Leslie Ellis School and Arlington High School, DTG reached a younger audience.

In April DTG hosted "A Look at Unconscious Bias", its major event of the year at Arlington Town Hall. Attended by at least 200 people, this event featured Christopher Dial, a Harvard University researcher who presented its work on unconscious bias in an interactive fashion. During this two-hour event, the public learned that all of us have unconscious biases, explored how these biases affect lives and communities, and received tips on how to counter them. In preparation of this event, DTG received the support of twenty-six local organizations that provided publicity or logistic help.

In May DTG worked with The Martin Luther King, Jr. Birthday Observance Committee of Arlington and Robbins Library to organize "Meet Fannie Barrier Williams." This in-character presentation by activist Marian Evans Melnick narrated Williams' fight to improve women's and Blacks' rights in the early twentieth century.

In June DTG ended the first half of the year by sponsoring a book discussion on Blindspot: The Hidden Biases of Good People by Mahzarin R. Banaji and Anthony G. Greenwald. This event co-sponsored by First Parish Unitarian Universalist in Arlington was a follow up to the event "A Look at Unconscious Bias" and allowed participants to discuss in smaller groups about unconscious bias.

In early 2016 DTG co-sponsored a series of satellite events with institutions like the Robbins Library and

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the Council on Aging and provided publicity or logistic support to other local organizations. DTG extensively used its website as a tool to reach out to a new audience and its blog as a platform to share stories by residents on topics related to diversity. As a result, the number of visitors on the website increased by twenty-five percent in 2016 versus 2015.

In the second part of the year, Arlington High School student Sorrel Galantowicz joined DTG as an Intern and contributed to reinforce DTG's presence on social media. After the summer break, DTG reassessed its resources and brain-stormed on ideas to promote diversity issues to a younger audience. While continuing its usual activities, the goal of DTG in the next few months will be to initiate and support any projects at the crossroads of diversity and education in Town. While the brainstorming process is still ongoing, DTG will relentlessly continue its efforts to foster awareness, community, and action on diversity in Arlington.

Governance: The Governance Task Group (GTG) presented an Orientation for New Town Meeting Members, led by Town Moderator John Leone. GTG also participated with Precinct Meetings in advance of Town Meeting in April, and in Candidates Night in March.

Fiscal Resources: The Fiscal Resources Task Group (FRTG) researches topics and reports out results and recommendations to the appropriate department or officials. In 2016 the Group worked with True Story Theater to develop a financially themed performance "Stories about Money" in April as part of Arlington's Living Brochure. Met separately with the Town Comptroller and Contributory Retirement Board administrator to discuss approaches to enhance and sustain visibility and transparency of their offices' activity through reports to Town Meeting, Annual Report, Financial Plan documentation and continuing to build and enhance their website presence. Members discussed Electronic Fund Transfers, Fire Department Response Routing, School Building Needs/Program, Commercial/Non-profit trash/recycling collection and Town Committee structures/turn-over. FRTG will continue to monitor.

Reviewed and discussed 2016 Annual Town Meeting Warrant and considered approaches by which FRTG could work in the future and to enhance and promote resident understanding of Town Meeting and the Town form of government.

Arlington Public Art (APA): APA is a committee under Vision 2020's Culture and Recreation Goal. Major projects of 2016 included working with public art consultant Cecily Miller (who came with a huge body of experience, including the invention of Davis Square's famous twenty-five-year-old "Artbeat Festival"). Cecily conceived two pop-up projects: "Playful" in May, co-

sponsored by the Friends of Spy Pond Park, brought a day of community sculpture and a giant chess set; and "Fox Festival" featuring kids' parading in their hand made fox masks and costumes accompanied by a marching band, part of Capitol Square's annual Feast of the East. The year culminated with the master project, "East Arlington Stories" featuring giant photos of some of the East's shop owners and the Fox Library, funded with grants from New England Foundation for the Arts, Mass Cultural Council, Arlington Cultural Council, and Friends of the Fox Library.

APA also sponsored artists who painted three transformer boxes along Mass Avenue. "Chairful Where You Sit" made its fifth annual appearance as APA's fundraiser and art installation featuring the work of many community members. A new committee, including several previous chair artists, was formed to help Adria Arch plan the fifth annual event. APA members began discussions in the fall of 2016 to address two significant needs anticipated in 2017: looking for ways to increase funding to pay for another year of public art consultancy by Cecily Miller and evaluating whether volunteers can continue to manage public art projects effectively.



Arlington Public Art members complete work on an East Arlington Stories installation.

Reservoir Committee: The Reservoir Committee is one of three committees of the Environment Task Group of Arlington Vision 2020. The Committee works with Town departments to maintain and improve the area around the Reservoir. Information about projects, a photo album, and the option to join a Committee email list can be found at arlington2020.org/reservoir.

The Wildlife Habitat Garden had its sixth growing season. Activities expanded to the "island" in the parking lot, where a number of new plants were planted and transplanted. The Committee had help from many people on public monthly workdays - and from many

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volunteers at other times as well. In spite of the summer drought, the garden came through well with the help of watering volunteers. The garden is for the entire community. Schools, community groups, and others are welcome to participate in its growth and evolution.

Water chestnut mechanical harvesting continued this summer under the management of Arlington's DPW, but was hampered because of low water levels. In addition, the Mystic River Watershed Association held corporate and public hand harvesting events in the spring and fall. The Committee hopes to increase these volunteer efforts in the future.

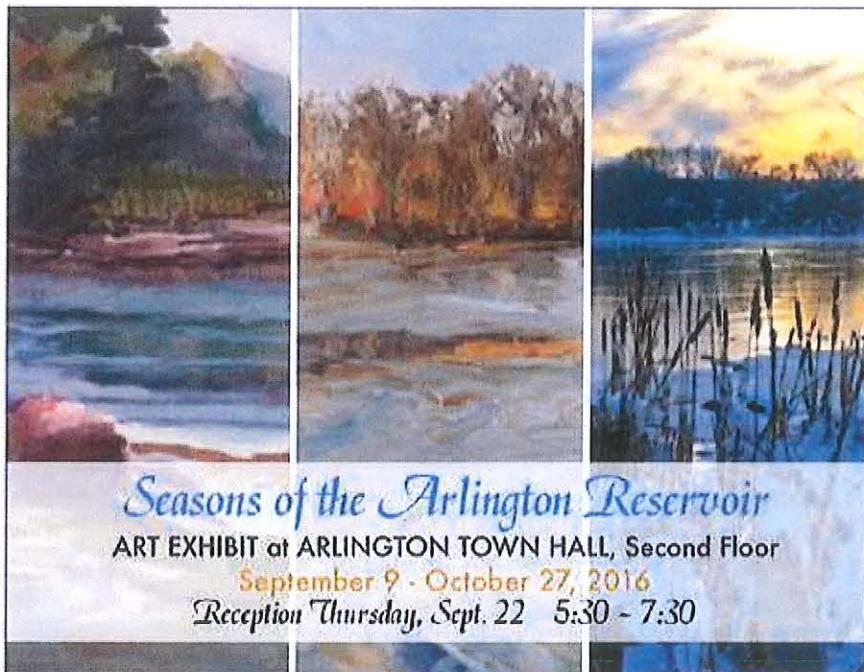
"Seasons of the Arlington Reservoir," an art show organized by the Reservoir Committee, was on display from September 9 through October 27 at the Arlington Town Hall. The show featured oil paintings, color photographs, black and white photographs, collage, mosaics, and digital imagery. Over twenty local artists from both Arlington and Lexington participated. The exhibit celebrated the Reservoir being the "park of the month" in September, and showcased many reflections of "The Res" from around the year. The show was well received and helped broadcast more widely the natural and recreational wonders of the Reservoir. Special thanks to Cristina Burwell, Cathy Garnett, and Martine Gougault for organizing the many details associated with putting on such a show.

Sustainable Arlington: Sustainable Arlington (SA) is one of three committees of the Environment Task Group of Arlington Vision 2020. The Committee encourages environmental awareness and steps to protect the local environment on the part of residents and Town government. Monthly meetings and other events are listed at sustainablearlington.org.

SA collaborated extensively with other groups in 2016 on outreach, climate change preparedness, natural gas leaks, solar power, energy efficiency, and tool sharing.

SA's sustainability work was publicized through True Story Theater's two-year project, Arlington's Living Brochure. True Story Theater also held a public performance about climate change to facilitate public discussion about its current effects on people in Arlington. EcoFest 2016, *Are You Ready for Climate Change?* featured keynote speaker Cammy Peterson, Clean Energy Manager for the Metropolitan Area Planning Council. SA members joined Arlington's Town Manager and DPW Director to begin planning for a Climate Change Preparedness Working Group. SA also collaborated with Arlington Mothers Out Front to tag 177 natural gas leaks in Town to raise public awareness of the extent of this problem and its contribution to climate change.

To promote continuing growth in energy efficiency and adoption of renewables, SA helped support the successful Community Choice Aggregation campaign led by Arlington Mothers Out Front, which resulted in a vote to adopt by Town Meeting in 2016. Two members of Sustainable Arlington continued their participation



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with the Town Manager's Energy Working Group, helping to make Town buildings and operations more efficient and increase Town adoption of renewable energy.

The vision and work of two new members led SA to work on two new issues this year: (1) supporting shared use of needed tools and other desired items and (2) applying New Economy principles to Arlington.

SA brainstormed about creating local tool and toy sharing opportunities to help residents save money and storage space (and help reduce demand on natural resources). Then SA learned about the Library of Things being planned by the Arlington Public Libraries and the Friends of Robbins Library. Now SA is planning a Sustainable Tools component to be added to the Library of Things in 2017.

SA started a working group to explore opportunities for adapting New Economy concepts to connect and support Arlington's residents, businesses, and environmental goals. A public forum is being developed to inform and engage interested residents.

Spy Pond Committee: The Spy Pond Committee is part of the Environment Task Group for Arlington Vision 2020. Meetings are usually the first Tuesday September-May. Anyone is welcome to attend, 7:30 pm in the Town Hall Annex first floor conference room. The website is <http://arlingtonma.gov/spypond>.

Trails Day with the Arlington Belmont Crew and volunteers for Spy Pond left the Rt. 2 path cleaner than ever. At least sixty volunteers tackled the shoreline, removed oriental bittersweet, carefully pulled poison ivy, and picked up trash.

The Committee finished a seven year phragmites plan. In 2009 Spy Pond had massive growths of phragmites. Now, just a few stragglers remain. The dry summer led to a bonanza year for the rare, Englemann's umbrella sedge.

Elizabeth Karpati was thanked for her many years of service to the Spy Pond Committee and other Arlington organizations. And Joey Glushko was feted with a barbecue on her retirement from Arlington's Planning Department.

Four signets were raised on Spy Pond, and no Canada Geese. Sadly, a new invasive, Asian clams, is now established in Spy Pond. There was a large die-off of mature carp, probably due to natural causes.

The Committee redesigned the fertilizer flyer and distributed it to every household in the watershed, participated in EcoFest, shared the Vision 2020 booth at Town Day, and assisted the Conservation Commission with their ongoing efforts to improve Arlington's water bodies.

Vision 2020 thanks all the volunteers who help support and achieve the Town Goals. The Standing Committee is especially grateful to Josh Lobel and Joey Glushko, who both retired from the Committee in June,

for their outstanding contributions of time and talents to the Town Survey over many years. Special recognition is also due for retiring Standing Committee members Elizabeth Karpati and Mary Harrison. Elizabeth also served on the Spy Pond Committee and as the Vision 2020 member of the Open Space Committee. Mary also served on the Diversity Task Group and used her logistic talent to lead volunteer efforts and partnerships with True Story Theater and the Arlington Center for Arts. Gratitude goes out to Lorri Berenberg and Jill Manca for all of their work on Arlington Public Art this year and to Martina Tanga who is coordinating the Youth Banner Project for the Gracie James Foundation that APA is administering.



Town of Arlington, Massachusetts

Conservation Commission Regulations for Wetlands Protections-proposed revisions

Summary:

9:30-9:45PM
(15 mins.)

Board will discuss correspondence from the Conservation Commission regarding proposed revisions to the Conservation Commission's regulations and next steps.

ATTACHMENTS:

Type	File Name	Description
Reference Material	Regulations_for_Wetlands_Protection.pdf	Regulations for Wetlands Protections

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Section 1 - Introduction and Purpose

A. Introduction. These regulations are promulgated by the Town of Arlington Conservation Commission pursuant to the authority granted to it under the Town of Arlington Wetlands Protection Bylaw (hereinafter referred to as the "Bylaw"). These regulations complement and implement the Bylaw and shall have the force of law upon their effective date. These regulations set forth additional definitions, regulations and performance standards necessary to protect the values and/or intent of the Bylaw, protect additional resource areas and wetland values, and

specify standards and procedures stricter than those of the Wetlands Protection Act, G.L. c. 131, § 40 and implementing regulations at 310 CMR 10.00. Only those exemptions ~~or provisions of explicitly stated in~~ the Act and state wetland regulations at 310 CMR 10.00 ~~explicitly stated in these regulations~~ apply.

The portion of these regulations concerning consultants and consultant fees are also promulgated pursuant to the authority granted the Commission under G.L. c. 44, § 53G.

B. Purpose. The Bylaw sets forth a public review and decision making process by which activities affecting areas subject to protection under the Bylaw are to be regulated in order to ensure the protection of the following interests: public or private water supply, ground water supply, flood control, erosion control and sedimentation control, storm damage prevention, other water damage prevention, prevention of pollution, protection of surrounding land and other homes or buildings, wildlife protection, plant or wildlife habitat, aquatic species and their habitats, and the natural character or recreational values of the wetland resources (collectively, “Resource Area Values” or “Interests of the Bylaw”). The purposes of these regulations are to define and clarify that process by establishing standard definitions and uniform procedures by which the Arlington Conservation Commission shall carry out its responsibilities under the Bylaw.

Section 2 - Jurisdiction

A. Areas subject to protection under the Bylaw and these regulations:

- (1) Any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp.
- (2) Any river, stream, creek, pond, reservoir, or lake.
- (3) Any bank of the areas set forth in A(1) or A(2) above.
- (4) Any land under the areas set forth in A(2) above said waters.
- (5) Any land bordering the areas set forth in A(1) or A(2) or A(3) above.
- (6) Any riverfront area as hereinafter defined.
- (7) Any land subject to flooding or inundation.

B. Activities subject to regulation under the Bylaw and the provisions of these regulations:

- (1) Any activity proposed or undertaken which constitutes removing, filling, dredging, discharging into, building upon, degrading or otherwise altering any area specified in Subsection A of this Section is subject to regulation under the Bylaw and requires the filing of an application for permit.
- (2) Any activity proposed or undertaken outside the areas specified in Subsection A above shall not be subject to regulation under the Bylaw unless, in the judgment of the Conservation Commission, said activity may result or has resulted in the removing, filling, dredging, discharging into, building upon, degrading or otherwise altering an area specified in Subsection A above. If anyone wishes to have the Conservation Commission determine whether an activity may be subject to regulation under the Bylaw, he or she shall submit a request for determination of applicability pursuant to Section 8(A) of these regulations.
- (3) For stormwater management systems constructed per Massachusetts Department of Environmental Protection’s stormwater management policy (November 18, 1996) or

standards (January 2, 2008), any activity proposed or undertaken within said stormwater management systems that includes the removal of less than 12 inches of sediment from a basin, water quality swale or constructed stormwater wetland (including forebays or other forms of pretreatment) is not subject to these regulations.

Section 3 - Burden of Going Forward and Burden of Proof

A. The applicant shall have the burden of going forward with credible evidence from a competent source in support of all matters asserted pursuant to Subsection B below by the applicant in accordance with his or her burden of proof.

B. The applicant shall have the burden of proving by a preponderance of the credible evidence from a competent source that the work in the application will not have a significant or cumulative effect upon the wetland values protected by the Bylaw. Failure to meet the burden of proof shall be cause for the Conservation Commission to deny the application for permit along with any work or activity proposed therein.

Section 4 - Definitions

A. Except as otherwise provided in the Bylaw or these regulations, the definitions of terms in the Bylaw shall be as set forth in the Wetlands Protection Act. M.G.L. c. 131, Section 40, and its regulations, 310 C.M.R. 10.00.

B. As used in these regulations, the following terms shall have the meanings indicated:

- (1) ABUTTER - shall mean the owner of any land within 100 feet of the property line of the land where the activity is proposed, as determined by the most recent assessors' records including any land located directly across a street, river, stream or pond that is within 100 feet of the project's limits of work.
- (2) ACTIVITY – On or in any area subject to protection by the Bylaw and its regulations: any form of draining, dumping, dredging, damming, discharging, excavating, filling or grading; the erection, reconstruction or expansion of any buildings or structures; the driving of pilings; the construction or improvement of roads and other ways; the changing of runoff characteristics; the intercepting or diverging of groundwater or surface water; the installation of drainage, sewage and water systems; the discharging of pollutants; the destruction of plant life; the cutting or removal of 20% or more of the growth or limbs of trees or vegetation; and any other changing of the physical characteristics of land or the physical or chemical characteristics of water.
- (3) ADJACENT UPLAND RESOURCE AREA - the area 100 feet horizontally lateral from the boundary of any of the following Resource Areas: marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, bank, stream, creek, pond, reservoir, ~~or~~ lake, ~~or~~ and resource area defined in Section 2.A(1) through (4).
- (4) ALTER - shall mean to change the condition(s) of any area subject to protection by the Bylaw and shall include but not be limited to one or more of the following actions upon the resource areas protected by this Bylaw::
 - (a) fill, removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;

- (b) changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood storage retention areas;
 - (c) draining, disturbing or lowering of the water level or water table;
 - (d) the dumping, discharging or filling with any material which could degrade the water quality;
 - (e) driving of pilings, erection of buildings or structures of any kind;
 - (f) placing of any object or obstruction whether or not it interferes with the flow of water;
 - (g) destruction, extensive trimming (defined as 20% or more of limbs or growth), or removal of plant life, vegetation, or trees;
 - (h) changing of water temperature, biochemical oxygen demand, nutrient concentration or chemical concentration or other natural characteristics of the receiving water;
 - (i) any activities, changes or work which pollutes any stream or body of water, whether located in or out of the Town of Arlington;
 - (j) application of pesticides and herbicides;
 - (k) any activity, change or work which adversely effects groundwater or drinking water supply; or
 - (l) any incremental activity that has or may have a cumulative adverse effect on the Resource Area Values protected by the Bylaw.
- (5) **APPLICANT** - shall mean a person filing a Request for Determination of Applicability or Notice of Intent or other application with the Commission.
- (6) **AREA OF CRITICAL ENVIRONMENTAL CONCERN** - An area so designated by the Secretary of Environmental Affairs of the Commonwealth of Massachusetts pursuant to regulations (301 C.M.R. 12.00), said designation being due to the particular environmental factors which impact upon the areas in question and which highlight the importance of each area so designated.
- (7) **AREA SUBJECT TO PROTECTION UNDER THE BYLAW** - Any area specified in Section 2(A). It is used synonymously with "resource area," each of which is defined in greater detail in these regulations.
- (8) **BANK** - shall be defined as the portion of the land surface which normally abuts and confines a water body, often between the mean annual low flow level and the first observable break in the slope or the mean annual flood level, whichever is lower;
- (9) **BEST AVAILABLE MEASURES** - The most up-to-date technology or the best designs, measures or engineering practices that have been developed and that are commercially or readily available.
- (10) **BEST MANAGEMENT PRACTICES** - Technologies, designs, measures or engineering practices that are in general use to protect the resource area values of the Bylaw.
- (11) **BORDERING** shall be defined to include any land within either of the following or the greater thereof:
- (a) 100 feet horizontally lateral from the edge of any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake; or
 - (b) within the maximum lateral extent of the water elevation of the statistical 100 year frequency storm.

- (12) **BOUNDARY** - The boundary of an area subject to protection under the Bylaw. A description of the boundary of each area is found in the appropriate section of these regulations or in the Bylaw.
- (13) **BUFFER ZONE** – see definition for **ADJACENT UPLAND RESOURCE AREA**;
- (14) **BYLAW** – Article 8 of Title V of the Bylaws of the Town of Arlington, Massachusetts, entitled “Wetlands Protection”.
- (15) **BYLAW INTERESTS** – are defined in Section 1, above; also known as Resource Area Values
- (16) **CALIPER** – Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.
- (17) **CERTIFICATE OF COMPLIANCE** - A written determination by the Conservation Commission as to whether work or a portion thereof has been completed in accordance with the permit issued under the Bylaw governing said work.
- (18) **CONDITIONS** - Those requirements set forth in a written permit issued by the Conservation Commission for the purpose of permitting, regulating or prohibiting any activity that removes, fills, dredges or alters an area subject to protection under the Bylaw.
- (19) **CONSERVATION COMMISSION** - That body in Arlington comprised of members lawfully appointed pursuant to M.G.L. c. 40, Section 8C.
- (20) **CREEK** - The same as "stream."
- (21) **CUMULATIVE EFFECT** - shall mean an effect that is significant when considered in combination with other activities that have occurred, are going on simultaneously, or that are likely to occur, whether such other activities have occurred or are contemplated as a separate phase of the same project, such as the build-out of a subdivision or an industrial park, or unrelated but reasonably foreseeable actions, including other development projects that are currently under construction, under review or that may be expected to come forward.
- (22) **DATE OF ISSUANCE** - The date a permit, order, or determination is mailed, as evidenced by a postmark, or the date it is hand-delivered.
- (23) **DATE OF RECEIPT** - The date of delivery to an office, home or usual place of business by mail or hand delivery.
- (24) **DETERMINATION**:
 - (a) **DETERMINATION OF APPLICABILITY** - A written finding by the Conservation Commission after a public hearing as to whether a site or the work proposed thereon is subject to the jurisdiction of the Bylaw.
 - (b) **DETERMINATION OF SIGNIFICANCE** - A written finding by the Conservation Commission, after a public hearing, that the area on which the proposed work is to be done or which the proposed work will alter is significant to one or more of the interests identified in and protected by the Bylaw and these regulations.
 - (c) **NOTIFICATION OF NONSIGNIFICANCE** - A written finding by the Conservation Commission, after a public hearing, that the area on which proposed work is to be done, or which the proposed work will alter, is not significant to any of the interests of the Bylaw.

- (25) DBH (“Diameter at Breast Height”) – The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) measured 4 ½ feet from the existing grade at the base of the tree.
- (26) DREDGE - To deepen, widen or excavate, either temporarily or permanently.
- (27) EXTENSION PERMIT - A written extension of time within which the authorized work shall be completed.
- (28) FILL - To deposit any material so as to raise the elevation of land surface or ground, either temporarily or permanently.
- (29) FLOOD CONTROL - The prevention or reduction of flooding and flood damage.
- (30) GROUNDWATER - shall mean all subsurface water contained in natural geologic formations or artificial fill including soil water in the zone of aeration. Activities within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally occurring groundwater.
- (31) IMMINENT RISK TO PUBLIC HEALTH AND SAFETY - means the vegetation is an imminent risk to public health or safety or property as confirmed in writing and submitted to the Commission by the Arlington Tree Warden, Fire Department Representative, Public Safety Officer, or a certified arborist.
- (32) IN – or WITHIN an area subject to protection under the Bylaw means in, through, under, over, cantilevered over, shading; does not require physical touching of said area subject to protection. With respect to structures, “In” is measured from the drip-line of the roof or foundation or footing, whichever is closer to the resource area.
- (33) INTERESTS IDENTIFIED IN THE BYLAW - Those interests specified in Section 1 of the Bylaw and Section 1(B) of these regulations. Also called Bylaw Interests or Resource Area Values.
- (34) ISSUING AUTHORITY - The Arlington Conservation Commission.
- (35) LAND SUBJECT TO FLOODING OR INUNDATION - shall mean the land within the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm; said boundary shall be that determined by reference to the most recently available flood profile data prepared for Arlington within which the work is proposed under the National Flood Insurance Program (“NFIP”). Where NFIP data are unavailable or deemed by the Commission to be outdated or inaccurate or not reflecting current conditions, the boundary of said land shall be based on the maximum lateral extent of flood water which has been observed or recorded, or other evidence presented and considered by the Commission. Said land shall also include isolated areas which frequently or seasonably hold standing water; such areas may or may not be characterized by wetland vegetation or soil characteristics.
- (36) LAKE - Any open body of fresh water with a surface area of 10 acres or more, and shall include great ponds.
- (37) LAND SUBJECT TO FLOODING - Defined in Section 23.
- (38) LAND UNDER WATER BODIES AND WATERWAYS - The bottom of or land under the surface of a creek, river, stream, pond or lake. Land under water bodies is further defined in Section 22.
- (39) LOT - An area of land in one ownership, with definite boundaries. When an area of land is comprised of more than one lot, the lots share a common boundary and are owned or controlled by the same entity or individual(s), and the lots combined are used for the same purpose or enterprised, the lots shall be a single LOT.

- (40) MARSH, FRESHWATER WETLAND, SWAMP, WET MEADOW, BOG - Defined in Section 21.
- (41) MEADOW (or WET MEADOW) - Defined in Section 21.
- (42) NOTICE OF INTENT - The written notice filed by any person intending to remove, fill, dredge or alter an area subject to protection under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, Section 40, or the Bylaw, or both.
- (43) ORDER - An order of conditions, superseding order or final order, whichever is applicable, issued pursuant to M.G.L. c. 131, Section 40 or the Bylaw, or both.
- (44) OWNER OF LAND ABUTTING THE ACTIVITY - The owner of land sharing a common boundary or corner with the site of the proposed activity in any direction, including land located directly across a street, way, creek, river, stream, brook or canal.
- (45) PERMIT - shall mean the document issued by the Conservation Commission pursuant to this Bylaw which allows work in accordance with conditions set by the Commission in the resource areas protected by this Bylaw; also see "Order" in this definition section.
- (46) PERMIT DENIAL – shall mean the document issued by the Conservation Commission pursuant to the Bylaw which disallows proposed work.
- (47) PERSON - shall include any individual, group of individuals, associations, partnerships, corporations, business organizations, trust, estate, Commonwealth of Massachusetts when subject to town Bylaws, any public or quasi-public corporation or body when subject to town Bylaws or any other legal entity, including the Town of Arlington or its legal representative, agents or assigns.
- (48) PERSON AGGRIEVED - Any person who, because of an act of failure to act by the Conservation Commission, may suffer an injury in fact which is different either in kind or magnitude from that suffered by the general public and which is within the scope of the interests identified in the Bylaw.
- (49) PLANS - Such data, maps, engineering drawings, calculations, specifications, schedules and other materials, if any, deemed necessary by the Conservation Commission to describe the site and/or work to determine the applicability of the Bylaw or to determine the impact of the proposed work upon the interests identified in the Bylaw.
- (50) POND - Any open body of fresh water, either naturally occurring or man-made by impoundment or excavation, which is never without standing water due to natural causes, except in periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten-year average for that same month. Basins or lagoons which are part of wastewater treatment plants, swimming pools or other impervious man-made retention basins shall not be considered ponds.
- (51) PREVENTION OF POLLUTION - The prevention or reduction of chemicals (e.g., nutrients, hydrocarbons, solvents, metals, vapors) known or suspected of causing harm to humans, plants, or animals via exposure to any media (air, water, soil, sediment)
- (52) PRIVATE WATER SUPPLY - Any source or volume of surface or groundwater demonstrated to be in any private use or shown to have potential for private use for domestic purposes.
- (53) PROJECT LOCUS - The Lot on which an applicant proposes to perform an activity subject to regulation under the Bylaw
- (54) PROJECT SITE - the area within the Project Locus that comprises the limit of work for activities, including but not limited to, the dredging, excavating, filling, grading, the

erection, reconstruction or expansion of a building or structure, the driving of pilings, the construction or improvement of roads or other ways, and the installation of drainage, stormwater treatment, environmentally sensitive site design practices, sewage and water systems.

- (55) PROTECTION OF FISHERIES - Protection of the capacity of an area subject to protection under the Bylaw to prevent or reduce contamination or damage to fish and to serve as their habitat and nutrient source.
- (56) PROTECTION OF WILDLIFE - The protection of any plant or animal species, including but not limited to those listed as endangered, threatened or special concern, or on the Watch List by the Massachusetts Natural Heritage Program; listed as Federally Endangered or Federally Threatened by the U.S. Fish and Wildlife Service; deemed locally threatened, in writing, by the Conservation Commission; and means protection of the ability of any resource area to provide food, breeding habitat, shelter or escape cover and species falling within the definition of wildlife set forth in these regulations.
- (57) PUBLIC WATER SUPPLY - Any source or volume of surface water or groundwater demonstrated to be in public use or approved for water supply pursuant to M.G.L. c. 111, Section 160 by the Division of Water Supply of the Department of Environmental Protection or shown to have a potential for public use.
- (58) QUORUM – refers the number of Commissioners who must be present before business may be transacted; here, it shall mean a majority of the number of Commissioners then in office.
- (59) RESOURCE AREA ENHANCEMENT – with the Commission’s approval: removal or management of invasive species; removal of man-made debris, garbage, or trash; or planting of non-invasive species of vegetation.
- ~~(59)~~(60) REMOVE - To take away any type of material, thereby changing the elevation of land surface or ground, either temporarily or permanently.
- ~~(60)~~(61) REQUEST FOR DETERMINATION OF APPLICABILITY - A written request made by any person to the Conservation Commission for a determination as to whether a site or work thereon is subject to the Bylaw.
- ~~(61)~~(62) RESOURCE AREA - Is used synonymously with "area subject to protection under the Bylaw," each one of which is listed in the Bylaw and in Section 2 of these regulations.
- ~~(62)~~(63) RIVER - shall mean any natural flowing body of water that empties to any ocean, lake, pond, reservoir, stream, or other river.
- ~~(63)~~(64) RIVERFRONT AREA - shall mean the area of land between a river’s mean annual high water line and a parallel line measured 200 feet horizontally landward of the mean annual high water line.
- ~~(64)~~(65) SIGNIFICANT – shall mean plays a discernable role; e.g., a resource area is significant to an interest identified in the Act when it plays a role in the provisions or protection, as appropriate, of that interest.
- ~~(65)~~(66) STORM DAMAGE PREVENTION - The prevention of damage caused by water from storms, including but not limited to erosion and sedimentation, damage to vegetation, property or buildings or damage caused by flooding, waterborne debris or waterborne ice.
- ~~(66)~~(67) STREAM - A body of running water, including brooks and creeks, which moves in a definite channel in the ground due to hydraulic gradient, and includes streamlets and

rivulets. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (i.e., which is intermittent) is a stream.

~~(67)~~(68) **STRUCTURE** – means a combination of materials or things arranged or constructed for permanent or temporary occupancy, shelter, or use, such as a building, bridge, trestle, wireless communications facility, tower, rip rap associated with stormwater outfalls, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, sports court, shelters, piers, wharves, bin, fence, sign, or the like.

~~(68)~~(69) **TREE REMOVAL** – Any act that will cause a tree to die within a three-year period.

~~(69)~~(70) **VEGETATED WETLANDS** - Defined in Section 21.

~~(70)~~(71) **WITHIN** – See IN above.

~~(71)~~(72) **WILDLIFE** - Any non-domesticated mammal, bird, reptile, amphibian, fish, mollusk, arthropod or other invertebrate other than a species of the Class insects which has been determined by the Commonwealth of Massachusetts or any agency thereof to be a pest whose protection under the provisions of the Bylaw would be a risk to man.

~~(72)~~(73) **WILDLIFE HABITAT** - shall mean the area being used by or necessary to provide breeding or nesting habitat, shelter, food and water for any animal species.

~~(73)~~(74) **WORK** – shall mean the same as "activity."

Section 5 - Time Periods

All time periods of 10 days or less specified in the Bylaw and these regulations shall be computed using business days only. In the case of a Determination or Order, such period shall commence on the first day after the date of issuance and shall end at the close of business on the 10th business day thereafter. All other time periods specified in the Bylaw and regulations shall be computed on the basis of calendar days, unless the last day falls on a Saturday, Sunday or legal holiday, in which case the last day shall be the next business day following.

Section 6 - Actions by Conservation Commission

A. Where the Bylaw states that a particular action (except receipt of a request or notice) is to be taken by the Conservation Commission, that action is to be taken by more than half the members present at a meeting of at least a quorum. A quorum is defined as a majority of the members then in office.

B. Where the Bylaw states that a determination, permit, or notification or certificate of compliance shall be signed and issued by the Conservation Commission, that action is to be taken by the majority of the quorum present at a public meeting or hearing, or by a majority of the members then in office who need not convene as a body in order to sign said permit or notification, provided that the Commission met pursuant to the Open Meeting Law, M.G.L. c. 30A, Sections 18 through 25, when voting on the matter.

C. Where the Bylaw states that the Conservation Commission is to receive a request or notice, Conservation Commission means a member of the Conservation Commission or an individual designated by the Conservation Commission to receive such request or notice.

Section 7 - Working Sessions

When the Commission has time available, as a matter of courtesy, it may, but is not required, to conduct a working session with any person seeking guidance or direction on what type of application to file with the Commission, and what information the Commission might like to see in such an application in addition to that specified elsewhere in these regulations or the state Wetlands Protection Regulations. No one has a right to a working session.

Any working session shall be held in accordance with the Open Meeting Law, M.G.L. c. 30A, Sections 18 – 25.

For any working session, notwithstanding the Plan requirements in Section 12, the following information at a minimum must be provided (at the working session):

- (1) a map or plan showing the location of the proposed work;
- (2) photographs (minimum 5" x 7" size) of the area of the proposed work; and
- (3) a sketch of the area of the proposed work, showing existing conditions (structures, approximate locations of actual or potential resource areas).

Statements by the Commission or any Commission member in a working session shall not be construed as prejudging a project or guaranteeing a particular action by the Commission on a subsequent filing. The Commission shall not be bound any comments or opinions offered at a working session. A person who relies on any statements or information provided at the working session does so at his or her own risk.

Section 8 - Determination of Applicability

A. Requests for determination of applicability.

- (1) Any person who desires a determination as to whether the Bylaw applies to land, or to work that may affect an area subject to protection under the Bylaw, may submit to the Conservation Commission by certified mail, regular mail, or hand delivery a written request for a determination of applicability and other application materials in accordance with the submittal requirements set forth in the filing guidelines for requests for determination of applicability provided in these regulations. Simultaneously with filing the Request for Determination of Applicability, the applicant shall provide notification to each abutter by hand delivery or certified mail, return receipt requested. The contents of the abutter notification shall be specified by the Commission and shall, at a minimum, provide a description of the proposed work (if any), resource areas involved, location (street address, assessors lot and map identifiers), where a copy of the request may be obtained, and the date, time, and place of the hearing.(2) Said request shall include sufficient information to enable the Conservation Commission to find and view the area and determine whether the proposed work will alter an area subject to protection under the Bylaw.

- (4) A request for determination of applicability shall include certification that the owner of the area subject to the request, if the person making the request is not the owner, has been notified in writing via certified mail, return-receipt requested that a determination is being requested under the Bylaw.
- (5) A request for determination of applicability shall be filed with the Commission no less than 10 days prior to the Commission's next meeting and simultaneously copies of the request for determination of applicability shall be hand delivered or mailed to each Commission member (including associate members). Failure to meet such filing and distribution deadline shall be cause for the Commission to continue or defer discussion of the request for determination to the following meeting.

B. Determination of applicability.

- (1) Within 21 days after the date of receipt of the request for a determination of applicability, the Conservation Commission shall hold a public hearing on the request for a determination of applicability. Notice of the time and place of the public meeting at which the determination will be made shall be given by the Conservation Commission at the expense of the person making the request not less than five business days prior to such meeting, by publication in a newspaper of general circulation in the Town of Arlington, and by mailing a notice to the person making the request, the property owner if not the applicant. The Commission will forward the notice of this hearing to the Town Manager, Board of Selectmen, Town Clerk, Planning Department, Town Counsel, Department of Public Works, Town Engineer, Zoning Board of Appeals, Board of Health, Building Inspector, Redevelopment Board. Notice shall also be given in accordance with the Open Meeting Law, M.G.L. c. 30A, Sections 18 - 25. Said determination shall be signed and issued by the Conservation Commission, and copies thereof shall be sent by the Conservation Commission to the person making the request and to the owner within 21 days of the close of the public hearing or any continuances thereof. Said determination shall be valid for three years from date of issuance and may not be extended or renewed.
- (2) The Conservation Commission shall find that the Bylaw applies to the land, or a portion thereof, if it is an area subject to protection under the Bylaw as defined in Section 2(A) above. The Conservation Commission shall find that the Bylaw applies to the work on the portion thereof, if it is an activity subject to the regulations under the Bylaw as defined in Section 2(B) above.
- (3) An application for permit shall be filed in the event of a positive determination, and all of the procedures set forth in Section 10 shall apply.
- (4) Request for Determination of Applicability vs. Notice of Abbreviated Resource Area Delineation. No Request for Determination of Applicability or Determination of Applicability shall be used to evaluate or confirm the delineation of any Resource Area.

Section 9 – Emergency Certification

A. Any person requesting permission to perform an emergency project, or within 24 hours of commencing an emergency project, shall specify in writing why the project is necessary for the protection of the health or safety of the citizens of the Town and what agency of the Commonwealth (or subdivision thereof) or Town entity is to perform the project or has ordered

the project to be performed. Work may not proceed unless the Commission or its Administrator has certified the work to be necessitated by an emergency. In no case shall work or alteration by such certification extend beyond the minimum amount of work and time necessary to abate the emergency. If the project is certified to be an emergency by the Conservation Commission, its Administrator, its Chair or Vice Chair, or the Department of Environmental Protection, the certification shall include a description of the work which is to be performed and shall not include work beyond that necessary to abate the emergency. If practicable, a site inspection shall be made prior to certification. If issued by the Conservation Administrator, the emergency certification must be ratified at the next meeting of the Conservation Commission.

B. An emergency certification may be issued by the Conservation Commission Chair, Vice Chair, or Administrator and shall be issued only for the protection of public health or safety.

C. The time limitation for performance of emergency work shall not exceed 30 days, or 60 days for Immediate Response Actions approved by the Bureau of Waste Site Cleanup (BWSC) of the Department of Environmental Protection in accordance with the provisions of 310 CMR 40.0410. The emergency certification may be extended for an additional 15 days only for good cause.

D. Within 14 days of issuance of an emergency certification, a Notice of Intent/permit application shall be filed by the recipient of the emergency certification with the Conservation Commission for review as provided by the Bylaw and these Regulations.

E. Upon failure to meet the requirements of this section and other requirements of the Conservation Commission, the Conservation Commission may, after notice and a public hearing, revoke or modify an emergency certification and order restoration and mitigation measures.

Section 10 – Notice of Intent/Application for Permit

A. Any person who proposes to do work or activity that will remove, fill, dredge or otherwise alter any area subject to protection under the Bylaw shall submit an application, called a Notice of Intent, for a permit on forms specified by the Conservation Commission and in conformance with the plan requirements in Section 12. Simultaneously with filing the Notice of Intent with the Commission or its Agent, an applicant shall provide an electronic copy of the application to the Commission and provide the number of paper copies specified by the Conservation Administrator which are sufficient for each Commission member (including associate members) desiring a paper copy, and said paper copies shall be provided with envelopes with sufficient first-class postage, prepaid, for mailing (by the Administrator) of such copies to Commission members. Failure to do so shall be grounds for the Commission to continue the public hearing. Simultaneously with filing the Notice of Intent, the applicant shall provide notification to each abutter by hand delivery or certified mail, return receipt requested. The contents of the abutter notification shall be specified by the Commission and shall, at a minimum, provide a description of the proposed work, resource areas involved, location (street address and assessor's map and lot identifier), where a copy of the request may be obtained, and the date, time, and location of the hearing.

B. Upon receipt of the application materials referred to in Subsection A above, the Conservation Commission shall assign a file number, which file number shall be that issued by the Department of Environmental Protection (“DEP”) for a Notice of Intent also submitted under the Wetlands Protection Act. The DEP will notify the applicant of the file number. The designation of file number shall not imply that the plans and supporting documents have been accepted or judged adequate for the issuance of a permit and does not prevent the Commission from requesting additional information at a later time. For a Notice of Intent not also filed under the Wetlands Protection Act, the Commission shall issue a file number.

C. If only a portion of a proposed project or activity lies within an area subject to protection under the Bylaw and the remainder of the project or activity lies outside those areas, all aspects of the project must be described in the detail, provided also that in such circumstances the Notice of Intent shall also contain a description and calculation of peak flow and estimated water quality characteristics of discharge from a point source (both closed and open channel), when the point of discharge falls within an area subject to protection under the Bylaw.

D. A public hearing shall be held by the Conservation Commission with 21 days of receipt of the complete Notice of Intent.

E. An Abbreviated Notice of Resource Area Delineation may be filed to confirm the delineated boundary of Vegetated Wetland or other Area Subject To Protection Under the Bylaw on the site. If utilized, an applicant must file an Abbreviated Notice of Resource Area Delineation prior to filing a Notice of Intent. Alternatively, the boundary of a Resource Area may be determined through the filing of a Notice of Intent. The procedures for a Notice of Intent shall be used for an Abbreviated Notice of Resource Area Delineation. Consistent with Section 6 of the Bylaw, “Applicant’s Obligation”, the applicant shall have the burden of proving by a preponderance of the credible evidence from a competent source that the delineation of Vegetated Wetland or other Area Subject To Protection Under the Bylaw is accurate.

F. If the Commission determines that the applicant incorrectly or incompletely delineates a Resource Area(s), the Commission shall request that the applicant provide the correct delineation or missing information. If the correct delineation or missing information is not provided, the Commission shall close the hearing and issue a denial Order of Resource Area Delineation or denial Order of Conditions within 21 calendar days, specifying each Resource Area that is incorrectly or incompletely delineated. The Commission shall have the authority to deny any proposed Resource Area delineation when: 1) the application is incomplete; 2) the delineation is incorrect; or 3) the Commission requires additional information that is not provided by the applicant.

G. Review period. Resource area boundary delineations shall be reviewed only between April 1 and December 1 of each year. Delineations may be reviewed at the sole discretion of the Commission between December 1 and April 1, and shall be reviewed only when site conditions are such that the Commission believes it can adequately review the relevant resource area indicators (e.g., soils, vegetation, topography, hydrology).

Section 11 - Filing Fees & Consultant Fees

A. Filing Fees

(1) Rules:

- (a) Permit fees are payable at the time of application and are nonrefundable.
- (b) Permit fees shall be calculated by the Conservation Commission per the Bylaw.
- (c) Town, county, state, and federal projects are exempt from fees.

(2) These filing fees are in addition to the filing fees charged under M.G.L. c. 131, Section 40, the Wetlands Protection Act.

(3) The requirements of this section shall be commensurate with the nature, scope, type, and cost of the proposed project or activity.

(4) Fees:

- a. Fees are payable at the time of filing the application and are non-refundable.
- b. Fees shall be calculated per schedule below.
- c. Town, County, State, and Federal Projects are exempt from fees.
- d. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (the Wetlands Protection Act).

(Category)

(R1) Request for Determination of Applicability: \$150

(N1) Minor project: \$200

(house addition, tennis court, swimming pool, utility work, work in, on or affecting any body of water, wetland or floodplain).

(N2) Single Family Dwelling: \$600

(N3) Multiple dwelling structures: \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.

(N4) Commercial, industrial, and institutional projects:

\$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding; 100 s.f. buffer disturbed.)

(N5) Subdivisions: \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding

(N6) Other Fees: copies, printouts: per public records law

(N7) Minor project change: \$50

(N8) Work on docks, piers, revetments, dikes, and similar: \$4 per linear foot

(N9) Resource boundary delineation (ANRAD): \$1 per linear foot

(N10) Certificate of Compliance (COC or PCOC): No charge if before expiration of Order, \$200 if after expiration date of Order.

(N11) Amendments: \$300 or 50% of original local filing fee, whichever is less

(N12) Extensions:

- a. Single family dwelling or minor project: \$100.
- b. Other: \$150.

B. Consultant Fees

Upon receipt of a Notice of Intent, Abbreviated Notice of Resource Area Delineation, or Request for Determination of Applicability, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. The fee is called the “Consultant Fee.”

This Consultant Fee is pursuant to Bylaw § 16(B)(11) and independent from the Commission’s “Rules for Hiring Outside Consultants” pursuant to G.L. Ch. 44, § 53G adopted June 21, 2007. The specific consultant services may include, but are not limited to, performing or verifying the accuracy of a resource area survey and delineation, analysis of resource area functions, including but not limited to wildlife habitat evaluations, hydrogeologic and drainage analysis, and advice on environmental or land use law and legal issues.

The Commission may require the payment of the Consultant Fee at any point in its deliberations prior to a final decision. Failure by the applicant to pay the Consultant Fee specified by the Commission within five (5) business days of the request for payment shall be cause for the Commission to deny issuance of a permit or other requested action.

The applicant shall pay the fee to be put into a revolving fund, which may be drawn upon by the Commission for specific consultant services approved by the Commission at one or more of its public meetings. The consultant shall be chosen by, and report only to, the Commission or its designee.

The exercise of discretion by the Commission in making its determination to require payment of a Consultant Fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Commission shall return any unused portion of the Consultant Fee to the applicant unless the Commission decides at a public meeting that other further or additional or different services

of the consultant are necessary to make an objective decision. Any applicant aggrieved by the imposition of or size of the Consultant Fee, or any act related thereto, may appeal according to the provision of the Massachusetts General Laws.

Section 12 - Plan Requirements

A. Plans shall describe the proposed activity and its effect on the environment. Due regard shall be shown for all natural features such as large trees, watercourses and water bodies, wildlife habitat and similar community assets.

- (1) The following items are set out as a minimum standard. The applicant may submit, or be required to submit, any further information that will assist in the Commission's review and that is deemed necessary to determine the proposed effect on the interests protected by the Bylaw. The Conservation Commission may waive any of these plan requirements it deems insignificant or irrelevant for a particular project.
- (2) An eight-and-one-half-inch-by-eleven-inch reproduction of the USGS quadrangle sheet showing the project locus, and in the case where the project requires two or more plans to show the locus, an eight-and-one-half-inch-by-eleven-inch sheet clearly identifying the proposed site and work in addition to the labeled boundaries of the resource areas.

B. Plan content.

- (1) The following information shall be provided:
 - (a) The names and addresses of the record owner(s), the applicant(s) and of all abutters, as determined by the most recent local tax list, unless the applicant shall have a more recent knowledge of such abutters.
 - (b) Description of any alteration to flood storage capacity on the site. Include calculations and watershed maps if necessary.
 - (c) Soil characteristics in representative portions of the site.
 - (d) The Commission may in its sole discretion require the applicant to provide a runoff plan and calculations using the Rational Method or "the Cornell" method, and based on the ten-year, fifty-year and one-hundred-year-flood frequency event period. Calculations shall show existing and proposed runoff conditions for comparative purposes.
 - (e) Methods to be used to stabilize and maintain any embankments facing any wetlands, or show slope on plans of less than or equal to 3 to 1.
 - (f) Methods to control erosion during and after construction.

C. Plan specifications.

- (1) Drawings for a Request for Determination of Applicability must be to scale. All other application plans (e.g., for Notices of Intent) shall be drawn to scale (one inch equals 40 feet maximum) with the title designating the name of the project, location, the name(s) of the person(s) preparing the drawings and the date prepared, including all revision dates.
- (2) The Commission may require that plans and calculations be prepared and stamped by a registered professional engineer or a registered land surveyor of the Commonwealth of

Massachusetts when, in the Commission's judgment, the proposed work warrants such professional certification. The Commission may also require preparation and submission of supporting materials by other professionals including, but not limited to, registered landscape architect, environmental scientist, geologist or hydrologist when in its judgment the complexity of the proposed work and/or the wetland values of the Resource Areas warrants the relevant specialized expertise. Submitted materials may be used by the Commission to evaluate the effects of the proposed project/work on wetland values and compliance with these regulations. Submission of requested materials does not imply approval of the project.

- (2) Drawings must include the boundary and location of all Resource Areas protected by the Bylaw on the project site and within 100 feet, regardless or whether or not the applicant believes the work is subject to M.G.L. c. 131, Section 40, the Wetlands Protection Act or the Arlington Wetlands Bylaw
- (3) Alterations.
 - (a) Drawing must include a delineation of all alterations proposed in or adjacent to all Resource Areas as indicated below:
 - i. Areas to be dredged;
 - ii. Areas to be filled;
 - iii. Areas to be altered in any other way;
 - (b) All alterations should be clearly explained in text or footnotes.
- (4) All drawings shall show the distance twenty-five (25), fifty (50) and one-hundred feet from the resource areas listed in Section 2.A.(1) through (3) as well as the Riverfront Area.
- (5) Calendar dates of measurements, samplings, contours and so forth should appear with such data. Datum shall be stated in NAVD 88 base. The contour interval shall be no greater than two feet.
- (6) Indicate existing and final contours and contour interval used, including pond bottom and stream invert contours.
- (7) Indicate locations and elevations of sills and bottom of foundation(s) and septic system(s) (if any).
- (8) Indicate soil characteristics in representative parts of property, including depth of peat and muck in wetlands.
- (9) Indicate locations, sizes and slopes of existing and proposed culverts and pipes.
- (10) Include cross-section of all wetlands, showing slopes, bank and bottom treatments for wetland creation or replication.
- (11) For projects in land subject to flooding, include existing and proposed water storage capacity of the property, including calculations and data on which the capacity is based. If filling is proposed, determine the effect of loss of storage on downstream channels and culverts.
- (12) Indicate location and elevation of bench mark used for survey.
- (13) Indicate existing trees, stone walls, fences, buildings, historic sites, rock ridges and outcroppings.
- (14) Indicate invert elevations on catch basins.
- (15) Indicate proposed on-site pollution control devices, such as hooded catch basins, oil absorption pillows, detention/retention basins, flow dissipators or vegetative buffers.
- (16) Show locations/details of erosion control devices.

(17) Assessors Map and Lot number(s) shall be shown.

(18) If location is within an Area of Critical Environmental Concern, it shall be so indicated on the plan.

D. The requirements of this section shall be met commensurate with the nature, scope, type, and cost of the proposed project or activity

Section 13 - Area to be Staked Prior to Site Inspection

A. Before site inspections can be made by the Conservation Commission or the Commission's agent, the following conditions must be met:

(1) Stakes shall be provided as follows:

(a) Stakes indicating the corners of houses or other structures nearest the wetland resource area.

(b) Stakes indicating the septic tank and the leaching field location.

(c) Stakes indicating the limit of work.

(2) Lot number or house number should be posted at location.

(3) Edges of all resource areas shall be delineated. (Please refer to rules and regulations for definitions.)

(4) Directions shall be made available to the Commission to locate property.

B. Failure to have the lot staked may result in no review and thus delay of a project.

C. Upon completion of staking, the Conservation Commission shall be notified and a site inspection shall be arranged.

D. The requirements of this section shall be met commensurate with the nature, scope, type, and cost of the proposed project or activity.

Section 14 - Public Hearings

A. A public hearing shall be held by the Conservation Commission with 21 days of receipt of the complete Notice of Intent, and shall be advertised by the Commission at the applicant's expense in accordance with the Bylaw (Section 5) and the requirements of the Open Meeting Law, M.G.L. c. 30A, Sections 18 – 25. Abutter notification as detailed above shall be done by and at the expense of the applicant at the time of filing the Request for Determination of Applicability, Abbreviated Notice of Resource Area Delineation, Abbreviated Notice of Intent or Notice of Intent.

B. Continued hearings.

(1) Public hearings may be continued as follows:

(a) Without the consent of the applicant to a date certain announced at the hearing should the applicant or the applicant or the applicant's representative fail to provide sufficient abutter notification, newspaper notification, sufficient copies for each Commissioner and the Administrator of any written information or documents intended for discussion at a meeting/hearing less than ten (10) calendar days prior to

- that scheduled meeting/hearing to the Commission office or Agent with envelopes with sufficient first-class postage, prepaid, for mailing of such copies to Commission members.
- (b) Without the consent of the applicant to a certain date announced at the hearing either for receipt of additional information offered by the applicant or others or for information required of the applicant deemed necessary by the Conservation Commission at its discretion; or
 - (c) With the consent of the applicant, to an agreed-upon date, which shall be announced at the hearing.
 - (d) Without the consent of the applicant, for lack of receipt of the DEP file number, to certain date announced at the hearing; or
 - (e) Without the consent of the applicant, for failure to pay the Consultant Fee pursuant to Section 11 of the Bylaw, to a date certain announced at the hearing.
 - (f) Without the consent of the applicant, for failure to pay the filing fee pursuant to Section 11 of the Bylaw, to a date certain announced at the hearing.
- (2) The date, time and place of any such continued hearing shall be publicized in accordance with the Open Meeting Law, and notice shall be sent by the applicant to any person at the hearing who so requests.

Section 15 - Issuance of Permit

A. Within 21 days of the close of the public hearing or any continuance thereof on an application/Notice of Intent for a permit, the Conservation Commission shall:

- (1) Make a determination that the area on which the work is proposed to be done, or on which the proposed work will remove, fill, dredge, discharge into, build upon, degrade or otherwise alter, is not significant to any of the interests identified in the Bylaw, and shall so notify the applicant;
- (2) Make a determination that the area on which the work is proposed to be done, or on which the proposed work will remove, fill, dredge or alter, is significant to one or more of the interests identified in the Bylaw and issue a permit for the protection of said interests;
- (3) Make a determination that the proposed work fails to meet the design specifications, performance standards, or other requirements of the Bylaw, its regulations, or policies of the Commission, or that the project fails to avoid or prevent unacceptable significant or cumulative effects upon the resource area values of the Bylaw, or that there are no conditions adequate to protect said values; or
- (4) If the Conservation Commission finds that the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Bylaw, it may issue a permit denial. The permit shall specify the information which is lacking and why such information is necessary. If the Commission issues a permit denial, no work may occur until an applicant reapplies and the Commission grants a permit allowing work.

B. A permit allowing the proposed work shall impose such conditions, in the judgment of the Conservation Commission, that are necessary for the protection of those areas found to be

significant to one or more of the interests identified in the Bylaw. Such a condition may include, but are not limited to the placement of permanent bounds (granite or metal) to demarcate all or part of a resource area or mitigation area. Said permit shall prohibit any work or any portion thereof that cannot be conditioned to meet said standards. The permit shall impose conditions setting limits on the quantity and quality of discharge from a point source (both open and closed channel) when said limits are necessary to protect the interests identified in the Bylaw.

C. The permit shall be valid for three years from the date of its issuance.

D. The permit shall be signed and issued by the Conservation Commission and shall be mailed or hand-delivered to the applicant, his or her agent or attorney.

E. A copy of the plans describing the work and the permit shall be kept on file by the Conservation Commission and shall be available to the public at reasonable hours.

F. Prior to the commencement of any work permitted or required by the permit, the permit shall be recorded in the Registry of Deeds or the Land Court. In the case of recorded land, the permit shall also be noted in the Registry's Grantor Index under the name of the owner of land upon which the proposed work is to be done. In the case of registered land, the permit shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. Certification of recording shall be sent to the Conservation Commission within two weeks of recording. If work is undertaken without the applicant first recording the permit, the Conservation Commission may issue an enforcement order.

Section 16 - Extension of Permit

A. The Conservation Commission may extend a permit for a period of up to an additional three-year period from date of issuance. No permit may be extended for more than six years after date first issued. The request for an extension shall be made to the Conservation Commission at least 30 days prior to the expiration of the permit. The Commission shall hold a public hearing in accordance with the Bylaw and these regulations within 30 days of receipt of said request. Should said public hearing be continued past the date of the expiration of the permit, the expiration date shall be stayed to the date on which the Commission votes on whether to extend the permit, should the Commission vote not to grant the request for permit extension.

B. The Conservation Commission may deny the request for an extension and require the filing of a new application for permit for the remaining work in the following circumstances:

- (1) Where no work has begun on the project, except where such failure is due to an unavoidable delay, such as appeals and in the obtaining of other necessary permits;
- (2) Where new information, not available at the time the permit was issued, has become available and indicates that the permit is not adequate to protect the resource area values identified in the Bylaw;
- (6) Where incomplete work is causing damage to the resource area values identified in the Bylaw;
- (7) Where work has been done in violation of the permit or the Bylaw or these regulations; or
- (8) Where resource areas have changed.

C. If issued by the Conservation Commission, the extension permit shall be signed by a majority of the quorum of the members of the Conservation Commission present.

D. The extension permit shall be recorded in the Land Court or the Registry of Deeds, whichever is appropriate. If work is undertaken without the applicant recording the extension permit, the Conservation Commission may issue an enforcement order or may itself record the extension permit.

Section 17 – Minor Amendment of Permit

A. In the event a permittee seeks to make a minor modification to an existing permit or other Commission determination, any such requested modification shall have the same or less impact on the resource area values protected by the Bylaw as the approved work. Requests for minor amendment shall follow the procedure described below. No amended permit shall be issued for a permit that has expired.

B. Procedure:

(1) An applicant shall make a request for an amendment to the Conservation Commission. The request shall be either orally at a regularly scheduled meeting of the Commission or by submitting the request to the Commission in writing, which such request shall be discussed at a regularly scheduled meeting. The request shall describe what changes have been proposed and present any pertinent plans showing such changes.

(2) The Conservation Commission first shall determine whether the requested change warrants the filing of a new Notice of Intent or whether it is of a sufficiently minor nature and can be considered as an amendment to the original Final Order of Conditions. The Conservation Commission may in its sole and unreviewable discretion determine the project change is relatively minor only if:

- (a) the purpose of the project has not changed,
- (b) the scope of the project has not increased,
- (c) the project still meets relevant standards in these regulations,
- (d) resource areas are still protected, and
- (e) the potential for adverse impacts to resource area values will not be increased.

If the Conservation Commission determines the proposed change(s) is not minor, then it shall not issue an amendment, but instead require the filing of a new Notice of Intent/application for permit if the permittee intends to continue to pursue the modification.

Ministerial correction of obvious mistakes, such as citing a wrong file number or typographical errors, may be accomplished by correction of the permit by the Commission or the Conservation Administrator.

(3) If the Conservation Commission determines that a new Notice of Intent is not necessary, the applicant shall at its expense publish newspaper notice of the proposed amendment in

accordance with the Bylaw (Section 5). Abutter notification of the proposed amendment shall also be done by and at the expense of the applicant at the time. The notice must describe that an amendment to an Order/permit is being requested, that the request is pending before the Commission for review, the date of the public hearing at which the Commission will consider the request for amendment, and where a copy of the application for the requested change may be obtained. The Conservation Commission shall provide notice of the public hearing in accordance with the requirements of the Open Meeting Law, M.G.L. c. 30A, Sections 18 – 25.

(4) Under no circumstances will the issuance of an Amended Order of Conditions extend the effective date of the original Final Order of Conditions. The Amended Order shall run with the term of the original Order of Conditions or the effective date of an extended Order of Conditions.

(5) The Amended Order should be issued on the form provided for an Order of Conditions/Permit, with the insertion of the word "Amended" and the amendment date. Amended Orders/Permit must be recorded with the registry of Deeds in the same manner as Orders.

Section 18 - Certificate of Compliance

A. Upon written request by the applicant, a certificate of compliance shall be issued by the Conservation Commission within 21 days of receipt thereof, and shall certify if it so determines, that the activity or portions thereof described in the application for permit and plans has been completed in compliance with the permit and any amendment(s) thereto. If approved by the Conservation Commission, the certificate of compliance shall be signed and issued by the Commission.

B. Prior to the issuance of a certificate of compliance, a site inspection shall be made by the Conservation Commission or its agent, in the presence of the applicant or the applicant's agent if applicant so desires.

C. If the Conservation Commission determines, after review and inspection, that the work has not been done in compliance with the permit, it shall refuse to issue a certificate of compliance. Such refusal shall be issued within 21 days of receipt of a request for a certificate of compliance, shall be in writing, and shall specify the reasons for denial.

D. If a project has been completed in accordance with plans stamped by a registered professional engineer or a land surveyor or a registered landscape architect for landscaping projects, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the permit shall accompany the request for a certificate of compliance. The Commission reserves the right to administer the requirements of this paragraph in its sole discretion commensurate with the nature, scope, type, and cost of the proposed project or activity.

E. If the permit contains conditions which continue past the completion of the work, such as maintenance or monitoring, the certificate of compliance shall specify which, if any, of such conditions shall continue. The certificate shall also specify to what portion of the work it applies, if it does not apply to all the work regulated by the permit.

F. The certificate of compliance shall be recorded in the Land Court or Registry of Deeds, whichever is appropriate. Certification of recording shall be sent to the Conservation Commission on the form specified by the Commission.

Section 19 – Prohibited Materials

The Commission has determined that the following materials are harmful to the resource area values of the Bylaw and therefore are prohibited in resource areas:

- A. Copper pipes on the exterior of any structure.
- B. Coal-tar based sealant (asphalt-emulsion based sealant is allowed).

Section 20 - Banks

A. Findings.

- (1) Banks are likely to be significant to wildlife, to plant or wildlife habitat, to public or private water supply, to groundwater supply, to flood control, to storm damage prevention, to the prevention of pollution, to erosion control and sedimentation control, and to the protection of fisheries. Where banks are composed of concrete, asphalt or other artificial impervious material, said banks are likely to be significant to flood control and storm damage prevention.
- (2) Banks are areas where groundwater discharges to the surface and where, under some circumstances, surface water recharges the groundwater.
- (3) Where banks are partially or totally vegetated, the vegetation serves to maintain their stability, which in turn protects water quality by reducing erosion and siltation. Partially or totally vegetated banks provide habitat for wildlife.
- (4) Banks may also provide shade that moderates water temperatures, as well as providing breeding habitat and escape cover and food, all of which are significant to the protection of fisheries. Banks which drop off quickly or overhang the water's edge often contain numerous undercuts which are favorite hiding spots for important species.
- (5) Banks act to confine floodwater during the most frequent storms, preventing the spread of water to adjacent land. Because banks confine water during such storms to an established channel, they maintain water temperatures and depths necessary for the protection of fisheries. The maintenance of cool water temperatures during warm weather is critical to the survival of many species. An alteration of a bank that permits water to frequently and consistently spread over a larger and more shallow area increases the amount of property which is routinely flooded, as well as elevating water temperatures and reducing fish habitat within the main channel, particularly during warm weather.
- (6) Land bordering or within 100 feet of a bank is likely to be significant to the protection and maintenance of the bank, and therefore to the protection of the interests which these resources serve to protect.

B. Definition, critical characteristics and boundary.

- (1) A bank is the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent floodplain, or, in the absence of these, it occurs between a water body and an upland. A bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel or stone.
- (2) The physical characteristics of a bank, as well as its location, as described in the foregoing Subsection B(1), are critical to the protection of the interests specified in Subsection A.
- (3) The upper boundary of a bank is the first observable break in the slope or the mean annual flood level, whichever is higher in elevation. The lower boundary of a bank is the mean annual low flow level or mean low water level.

C. No activity, other than the maintenance of an already existing structure, shall be allowed which will result in the building within or upon, removing, filling, or altering of a bank.

D. Any activity which is allowed under this section on a bank or on land bordering or within 100 feet of a bank shall comply with the following regulations. Any proposed work on a bank or bordering or within 100 feet of a bank shall not impair the following:

- (1) The physical stability of the bank.
- (2) The water-carrying capacity of the existing channel within the bank.
- (3) Groundwater and surface water quality.
- (4) The capacity of the bank to provide breeding habitat, escape cover and food for fisheries.

E. No work shall be performed within 50 feet of an inland bank that abuts an estimated habitat area as designated on the most current map prepared by the Massachusetts Natural Heritage and Endangered Species Program.

Section 21 - Vegetated Wetlands (Wet Meadows, Marshes, Swamps, and Bogs)**A. Findings.**

- (1) Vegetated wetlands are likely to be significant to wildlife, to plant or wildlife habitat, to public or private water supply, to groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, and to the protection of fisheries.
- (2) The plant communities, soils and associated low, often flat topography of vegetated wetlands remove or detain sediments, nutrients (such as nitrogen and phosphorous) and toxic substances (such as heavy metal compounds) that occur in runoff and floodwaters.
- (3) Some nutrients and toxic substances are detained for years in plant root systems or in the soils. Others are held by plants during the growing season and released as the plants decay in the fall and winter. This latter phenomenon delays the impacts of nutrients and toxins until the cold weather period, when such impacts are less likely to reduce water quality.
- (4) Vegetated wetlands are areas where groundwater discharges to the surface and where, under some circumstances, surface water discharges to the groundwater.

- (5) The profusion of vegetation and the low, flat topography of vegetated wetlands slow down and reduce the passage of floodwaters during periods of peak flow by providing temporary floodwater storage, and by facilitating water removal through evaporation and transpiration. This reduces downstream flood crests and resulting damage to private and public property. During dry periods the water retained in vegetated wetlands is essential to the maintenance of base flow levels in rivers and streams, which in turn is important to the protection of water quality and water supplies.
- (6) Wetland vegetation provided shade that moderates water temperatures important to fish life. Wetlands flooded by adjacent water bodies and waterways provide food, breeding habitat and cover for fish. Fish populations in the larval stage are particularly dependent upon food provided by overbank flooding which occurs during peak flow periods (extreme storms), because most river and stream channels do not provide quantities of the microscopic plant and animal life required.
- (7) Wetland vegetation supports a wide variety of insects, reptiles, amphibians, mammals and birds which are a source of food for important fish. Bluegills (*Lepomis macrochirus*), pumpkinseeds (*Lepomis gibbosus*), yellow perch (*Perca flavescens*), rock bass (*Ambloplites rupestris*) and all trout species feed upon nonaquatic insects, Largemouth bass (*Micropterus salmoides*), chain pickerel (*Esox niger*) and northern pike (*Esox lucius*) that feed upon small mammals, snakes, nonaquatic insects, birds and amphibians. These wetlands are also important to the protection of rare and endangered wildlife species.
- (8) Vegetated wetlands, together with land bordering or within 100 feet of a vegetated wetland, serve to moderate and alleviate thermal shock and pollution resulting from runoff from impervious surfaces which may be detrimental to wildlife, and fisheries downstream of the vegetated wetlands.
- (9) Land bordering or within 100 feet of a vegetated wetland is likely to be significant to the protection and maintenance of vegetated wetlands, and therefore to the protection of the interests which these resource areas serve to protect.

B. Definition, critical characteristics and boundary.

- (1) Vegetated Wetlands are freshwater wetlands, including both bordering vegetated wetlands (i.e., bordering on freshwater bodies such as on creeks, rivers, streams, ponds and lakes), and isolated vegetated wetlands which do not border on any permanent water body. The types of freshwater wetlands are wet meadows, marshes, swamps, bogs and vernal pools. Vegetated Wetlands are areas where soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground water and surface water hydrological regime, soils and the vegetational community which occur in each type of freshwater wetlands, including both bordering and isolated vegetated wetlands, are defined under the Bylaw based on G.L. c. 131, § 40.
- (2) The boundary of Vegetated Wetland, whether Bordering or Isolated, is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants shall include but not necessarily be limited to those plant species identified in the Act.
- (3) The boundary shall be defined or delineated by the following:
 - (a) Areas containing a predominance of wetland indicator plants are presumed to indicate the presence of saturated or inundated conditions. Therefore, the boundary as

determined by 50% or more wetland indicator plants shall be presumed accurate when:

1. all dominant species have an indicator status or of obligate, facultative wetland+, facultative wetland, or facultative wetland- and the slope is distinct or abrupt between the upland plant community and the wetland plant community; or
 2. the Conservation Commission determines that sole reliance on wetland indicator plants will yield an accurate delineation.
- (b) When the boundary is not presumed accurate as described in (3)(a)(1.-2.) or to overcome the presumption, credible evidence shall be submitted by a competent source demonstrating that the boundary of Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. The Conservation Commission must evaluate vegetation and indicators of saturated or inundated conditions if submitted by a credible source, or may require credible evidence of saturated or inundated conditions sufficient to support wetland indicator plants, which shall include one or more of the following:
1. groundwater, including the capillary fringe, within a major portion of the root zone;
 2. observation of prolonged or frequent flowing or standing surface water;
 3. characteristics of hydric soils.
- (c) Where an area has been disturbed (e.g., by cutting, filling, or cultivation), the boundary is the line within which there are indicators of saturated or inundated conditions sufficient to support a predominance of wetland indicator plants, a predominance of wetland indicator plants, or credible evidence from a competent source that the area supported, or would support under undisturbed conditions, a predominance of wetland indicator plants prior to the disturbance or characteristic of hydric soils.

C. No activity, other than the maintenance of an already existing structure or resource area enhancement, which will result in the building within or upon, removing, filling or altering of a vegetated wetland shall be permitted by the Conservation Commission,

D. No work shall be performed within 50 feet of a vegetated wetland that abuts on an estimated habitat area as designated on the most current map prepared by the Massachusetts Natural Heritage and Endangered Species.

E. Wetland Replication

(1) Introduction

Notwithstanding the foregoing subsections C. and D., the Commission in its sole discretion may allow work in Vegetated Wetland which results in the loss of up to 5,000 square feet of Vegetated Wetland when such area is replaced in a manner to ensure that the replacement area will provide a viable wetland that replaces the functions and values of the area lost. Detailed project design is required to guarantee that wetland impacts are avoided to the maximum extent possible, to minimize absolutely necessary impacts and lastly, to successfully replicate losses that cannot be avoided. The design of replication areas shall carefully consider and incorporate

to the extent practicable the Massachusetts Inland Wetland Replication Guidelines (DEP, 2002). Restoration of a degraded wetland may be accepted by the Commission as satisfying the foregoing replication requirement.

(2) Required design criteria

Projects involving Wetlands Filling and/or permanent Alterations shall meet the requirements of 310 C.M.R. 10.60(3) and 310 C.M.R. 10.55(4) and the following requirements of the Commission:

- (a) The proposed replication area design must be submitted to the Commission for approval as part of the submittal of the project Notice of Intent.
- (b) The replication area must be shown to sufficiently duplicate the functions and values of the wetland proposed to be altered.
- (c) The area of the wetland replication shall be at a 2:1 ratio to that area of wetland loss.
- (d) The type of wetland created shall be similar to that lost in terms of physiology and function (e.g., similar plant species, hydrologic regime, and soils) except where an improvement in physiology and function is proposed.
- (e) The replication area must have similar groundwater and surface elevation as the lost area.
- (f) The replication area must have a similar location relative to the bank as the lost area when replicating bordering vegetated wetland.
- (g) The replication area must have an unrestricted surface hydraulic connection to the same waterbody or waterway as the lost area when replicating bordering vegetated wetland.
- (h) The location of the replication areas must be in the same general area as the lost wetland. The location of replacement wetland areas shall be in the following order of preference: 1. on site, 2. within the same watershed as the lost area, or 3. within the Town of Arlington.
- (i) The replication area shall be constructed prior to alteration of the existing wetland and during the same growing season. When replication involves transplanting plants and materials from existing wetland to the replicated wetland, the replication area shall be constructed, to the extent possible, immediately after alteration of the existing wetland. When transporting, all care shall be taken to prevent the transporting of invasive plants and invasive materials in soils.
- (j) The proposed replication area must be clearly flagged for Commission site inspection before the Notice of Intent filing.
- (k) The proposal for a replication area (submitted with the Notice of Intent) shall include a detailed plan of the wetland replication showing:

- (i) cross-section with indication of groundwater level, soil profile and thickness of organic soil in the existing and proposed wetlands;
 - (ii) plant species detail, including number, type and location of species found in the replication area to be altered, and number, types and locations of species to be introduced into the replacement area;
 - (iii) detail of stabilization plans for replication area of Banks;
 - (iv) Wildlife Habitat diversity plan; and
 - (v) any trees over 2" dbh shall be replaced in accordance with Section 24 of these Regulations, "Vegetation Removal and Replacement".
- (l) If, after three growing seasons, the Commission determines that the replication area has not satisfactorily developed into a wetland replacing the wetland area lost, the applicant or owner may be required to submit new plans to successfully replicate said lost wetland. No Certificate of Compliance shall be issued until the Commission has determined that a satisfactory replication area has been completed at the end of three growing seasons.

Section 22 - Land Under Water Bodies (Under Any Stream, Pond or Lake)

A. Findings.

- (1) Land under water bodies and waterways is likely to be significant to wildlife, to public and private water supply, to groundwater supply, to flood control, to storm damage prevention, to prevention of pollution and to the protection of fisheries.
- (2) Where land under water bodies and waterways is composed of pervious material, such land represents a point of exchange between surface water and groundwater.
- (3) The physical nature of land under water bodies and waterways is highly variable, ranging from deep organic soils and fine sedimentary deposits to rocks and bedrock. The organic soils and sediments play an important role in the process of detaining and removing dissolved and particulate nutrients (such as nitrogen and phosphorous) from the surface water above. They also serve as traps for toxic substances (such as heavy metal compounds).
- (4) Land under water bodies and waterways, in conjunction with banks, serves to confine floodwater within definite channel during the most frequent storms. Filling within this channel blocks flows which in turn causes backwater and overbank flooding during such storms. An alteration of land under water bodies and waterways that causes water to frequently spread out over a larger area at a lower depth increases the amount of property which is routinely flooded. Additionally, such alteration results in an elevation of water temperature and a decrease in habitat in the main channel, both of which are detrimental to fisheries, particularly during periods of warm weather and low flows.
- (5) Land under rivers, streams and creeks that is composed of gravel allows the circulation of cold, well-oxygenated water necessary for the survival of fish species. River, stream and creek bottoms with a diverse structure composed of gravel, large and small boulders and rock outcrops provide escape cover and resting areas for fish species. Such bottom type also provides areas for the production of aquatic insects essential to fisheries.
- (6) Land under ponds and lakes is vital to a large assortment of warm-water fish during spawning periods. Species such as largemouth bass (*Micropterus salmoides*), smallmouth

bass (*Micropterus dolomieu*), blue gills (*Lepomis macrochirus*) pumpkinseeds (*Lepomis gibbosus*), black crappie (*Promoxis nigromaculatus*) and rock bass (*Ambloplites rupestris*) build nests on the lake and bottom substrates within which they shed and fertilize their eggs.

- (7) Land within 100 feet of any bank abutting land under a water body is likely to be significant to the protection and maintenance of land under a water body, and therefore to the protection of the interests which these water bodies serve to protect.

B. Definition, critical characteristics and boundaries.

- (1) Land under water bodies is the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock.
- (2) The physical characteristics and location of land under water bodies and waterways specified in the foregoing Subsection B(1) are critical to the protection of the interests specified in Subsection A above.
- (3) The boundary of land under water bodies is mean low water level.

C. No activity, other than the maintenance of an already existing structure or resource area enhancement, which will result in the building within or upon, or removing, filling, dredging or altering of land under a water body or within 25 feet of land under a water body shall be done without written permission of the Commission.

D. The Commission may allow activity on land under a water body or within 100 feet of land under a water body if it complies with the following regulations. Any proposed work upon land under a water body or with 100 feet of land under a water body shall not impair the following:

- (1) The water-carrying capacity within the defined channel, which is provided by said land in conjunction with the banks.
- (2) Ground and surface water quality and quantity.
- (3) The capacity of said land to provide breeding habitat, escape cover or food for fisheries.

E. No work shall be performed within 50 feet of land under water bodies that abuts an estimated habitat area as designated on the most current map prepared by the Massachusetts Natural Heritage and Endangered Species Program.

Section 23 - Land Subject to Flooding (Bordering and Isolated)

A. Findings.

- (1) Bordering land subject to flooding.
 - (a) Bordering land subject to flooding is an area which floods from a rise in a bordering waterway or water body. Such areas are presumed to be significant to flood control and storm damage prevention and protection of surrounding land and other homes or buildings.
 - (b) Bordering land subject to flooding provides a temporary storage area for floodwater which has overtopped the bank of the main channel of a creek, brook, river or stream or the basin of a pond or lake. During periods of peak runoff, floodwaters are both retained (i.e., slowly released through evaporation and percolation) and detained (slowly released through surface discharge) by bordering land subject to flooding.

Over time, incremental filling of these areas causes increases in the extent and level of flooding by eliminating flood storage volume or by restricting flows, thereby causing increases in damage to public and private properties and downstream resource areas.

- (c) The hydrologic regime, plant community and structure, topography, soil, and proximity to water bodies or vegetated wetlands provide important food, shelter, migratory, and overwintering areas, and breeding for wildlife.
 - (d) The hydrologic regime, surrounding plant community, topography, soil, and proximity to water bodies or vegetated wetlands make bordering land subject to flooding allow vegetation to successfully grow in these areas.
- (2) Isolated land subject to flooding.
- (a) Isolated land subject to flooding is an isolated depression or a closed basin which serves as a ponding area for runoff or high groundwater which has risen above the ground surface. Such areas are likely to be locally significant to flood control and storm damage prevention. In addition, where such areas are underlain by pervious material they are likely to be significant to public or private water supply and to groundwater supply. Where such areas are underlain by pervious material covered by a mat or organic peat and muck, they are also likely to be significant to the prevention of pollution. Isolated land subject to flooding provides important breeding habitat for amphibians and some rare plants. Isolated land subject to flooding provides a temporary storage area where runoff and high groundwater pond and slowly evaporate or percolate into the substrate. Filling causes lateral displacement of the ponded water onto contiguous properties, which may result in damage to said properties.
 - (b) Isolated land subject to flooding, where it is underlain by pervious material, provides a point of exchange between groundwaters and surface waters. Contaminants introduced into said area, such as road salts, find easy access into the groundwater. Where these conditions occur and a mat of organic peat or muck covers the substrate of the area, said mat serves to detain and remove contaminants which might otherwise enter the groundwater.

B. Definitions, critical characteristics and boundaries.

- (1) Bordering land subject to flooding.
- (a) Bordering land subject to flooding is an area with low, flat topography adjacent to and inundated by floodwaters rising from brooks, creeks, rivers, streams, pond or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.
 - (b) The topography and location of bordering land subject to flooding specified in the foregoing Subsection B(1)(a) are critical to the protection of the interests specified in subsection A(1) above.
 - (c) The boundary of bordering land subject to flooding is the estimated or observed maximum lateral extent of floodwater which will theoretically result or has resulted from the statistical one-hundred-year-frequency storm.
 - i. Said boundary shall be that determined by reference to the most recently available flood profile data prepared for the Town of Arlington within which the work is proposed under the National Flood Insurance Program (NFIP, currently

administered by the Federal Emergency Management agency, successor to the U.S. Department of Housing and Urban Development). Said boundary, so determined, shall be presumed accurate. This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters.

- ii. Notwithstanding the foregoing, where NFIP profile data is unavailable or is determined by the Commission to be outdated, inaccurate or not reflecting current conditions, the boundary of bordering land subject to flooding shall be the maximum lateral extent of floodwater which has been observed or recorded or the Commission may require the applicant to determine the boundary of Bordering Land Subject to Flooding by engineering calculations which shall be:
 1. based upon a design storm of 8.48 inches of precipitation in 24 hours (from "Cornell" atlas);
 2. based upon the standard methodologies set forth in U.S. Soil Conservation Service Technical Release No. 55, Urban Hydrology for Small Watersheds and Section 4 of the U.S. Soil Conservation Service, National Engineering Hydrology Handbook; and
 3. prepared by a registered professional engineer or other professional competent in such matters.
- (2) Isolated land subject to flooding.
- (a) Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water. Isolated land subject to flooding may be underlain by pervious material, which in turn may be covered by a mat of peat or muck.
 - (b) The characteristics specified in the foregoing Subsection B(2)(a) are critical to the protection of the interests specified in Subsection A(2) above.
 - (c) The boundary of isolated land subject to flooding is the perimeter of the largest observed or recorded volume of water confined in said area.

C. No activity, other than the maintenance of an already existing structure, which will result in the building within or upon, or removing, filling, dredging or altering of, land subject to flooding shall be conducted without written permission of the Conservation Commission.

D. The Commission may permit activity on land subject to flooding provided it shall not result in the following:

- (1) Flood damage due to filling which causes lateral displacement of water that would otherwise be confined within said area;
- (2) Adverse effect on public and private water supply or groundwater supply, where said area is underlain by pervious material;
- (3) An adverse effect on the capacity of said area to prevent pollution of the groundwater, where the area is underlain by pervious material which in turn is covered by a mat of organic peat and muck.

Any such activity shall provide compensatory flood storage for all flood storage volume that will be lost at each elevation. Compensatory flood storage shall be at a 2:1 ratio, minimum, for each unit volume of flood storage lost at each elevation. Compensatory flood storage shall mean a

volume not previously used for flood storage, shall have an unrestricted hydraulic connection to the same waterway or water body, and, with respect to waterways, shall be provided within the same reach of the river, stream, or creek. No new parking areas or garages shall be used as compensatory flood storage. The Commission has found that use of such areas or garages results in a significant or cumulative effect upon the resource area values protected by the Bylaw, and has found that these facilities can result in the uncontrolled acute or chronic release of these harmful materials into the resource areas protected by the Bylaw. The Commission has also found that using these structures for flood storage can result in the damage of vehicles and property under flooding conditions.

E. No work shall be performed within 50 feet of land subject to flooding that abuts an estimated habitat area as designated on the most current map prepared by the Massachusetts Natural Heritage and Endangered Species Program unless the Applicant can demonstrate by a preponderance of credible evidence that the work will not have any short term or long term adverse effect on the resource area values protected by the Bylaw.

Section 24 - Vegetation Removal and Replacement

A. Findings: Vegetation in a resource area protected by the Bylaw is significant for wildlife, wildlife habitat and water quality. In addition, vegetation controls flood and storm damage. Vegetation provides food, shelter, socialization, shade, water detention, sediment control, bank stabilization, biodiversity, pollutant uptake, evapotranspiration of water, aesthetics, and atmospheric purification. In addition, plant size ordinarily is proportional to habitat value; i.e., large wooded trees are of greatest habitat value, followed by bushes, and then ground cover. Thus, an adequate quantity of vegetation must be maintained so that resource areas protected by the Bylaw can provide the resource area values protected by the Bylaw, including, but not limited to: flood control, storm damage prevention, pollution abatement, wildlife protection, aesthetic value, and recreation.

B. No vegetation in a resource area protected by the Bylaw shall be damaged, extensively pruned, or removed without written approval by the Commission and in-kind replacement. Extensive pruning is defined as removal of 20% or more of limbs or growth. For extensive pruning or removal of vegetation because of an Imminent Risk to Public Health and Safety, in-kind replacement shall be to the extent practicable as determined by the Commission (See Section 9 of these Regulations for Emergency Certification).

C. "In-kind replacement" shall refer to a combination of species type and surface area as defined by the area delineated by the drip line of the affected plant(s). "In-kind" means the same type and quantity of plant species that was removed, extensively pruned, or damaged, unless compelling evidence is presented in writing that explains why the resource area values under the Bylaw are promoted through an alternative proposal ~~(such as biomass equivalent)~~, and planted within the same resource area or another resource area located in close proximity on the project site. Notwithstanding the foregoing, only non-invasive plant species shall be planted as replacements.

D. The criteria for removal of vegetation follow. In all instances, the reasons for removal must be expressed in writing before the removal. In administering this standard, the Commission shall consider species selection, location, and timing of the plantings.

(1) Health of Vegetation

Vegetation in a state of irreversible decay, or undesirable vegetation present as a result of unintentional lack of maintenance may be offered as a reason(s) for removal.

(2) Bank or Slope Stabilization

A bank or slope stabilization plan requires the restructuring of soils occupied by vegetation.

(3) Invasive Species

The vegetation being removed is an aggressive, invasive, or non-native species as confirmed by wetlands scientist or as listed on a wetlands plant list acceptable to the Commission, such as, but not limited to that published by the United States Fish and Wildlife Service.

(4) Ecological Restoration

The vegetation is being removed as part of a project whose primary purpose is to restore or otherwise improve the natural capacity of a resource area to protect and sustain the interests of the Bylaw.

(5) Resource Area Enhancement

The vegetation is being removed and replaced elsewhere on the project site or within the same resource area only if such removal and replacement improves the resource area's contribution to the resource area values protected by the Bylaw.

~~(5)~~(6) Imminent Risk to Public Health and Safety

The vegetation is an imminent risk to public health or safety or property as confirmed in writing and submitted to the Commission by the Arlington Tree Warden, Fire Department Representative, Public Safety Officer, or a certified arborist.

E. Application for Removal. For all projects, the application for vegetation removal shall be submitted as part of the application for permit or Notice of Intent as described by the Bylaw and these regulations. At a minimum, the application will include:

(1) Narrative

The narrative shall describe the existing conditions, the proposed planting plan, the list of existing and proposed species, the size of existing and proposed species, and number of plants before and after the revegetation event. The narrative shall also provide the rationale for the removal and discuss the proposed maintenance plan (see (7) below).

(2) Affirmation of the Revegetation Activities

All plans for revegetation must be accompanied by written testimony and scaled diagram from a certified arborist or wetland scientist or landscape architect. At a minimum, this document must include the following information:

- a. Is the vegetation removal necessary? (See D. above)
- b. How much surface area of the vegetation will be removed (ft²-based on drip line)?
- c. How many individual plants will be removed by species; *i.e.*, is the species list submitted with the NOI correct?

(3) Planting Plan

The proposed planting plan must be drawn to scale and identify properly the resource area and buffer zone and the project site. It must include the locations of each replacement species and the number of each species proposed for planting (in table form).

The planting plan and procedures shall comply with the American Standards for Nurserymen, Inc. or equivalent. It must also include the location of the erosion control devices used during the restoration event. A brief narrative must accompany this planting plan describing the storage location of all motorized equipment.

The planting plan shall show the estimated tree canopies after 15 years of growth, the specific names, sizes and locations of trees to be planted, and the total area of square feet of the area shaded by tree canopies. In determining the shaded area, measure the shaded area assuming that the shaded area is only that area directly under the drip line

(4) Existing Species List

Each species existing before the restoration shall be listed in terms of area of coverage (ft²) and number of individual plants and either height or dbh as specified in the tables below.

(5) Replacement Species List

The replacement of vegetation shall be according to the following tables (derived from the American Standards for Nurserymen, Inc.) unless the Applicant proves that the amount of replacement vegetation will not survive or contribute in the long-term to resource area values. A rationale for the species and size choice must be provided if the replacement is not "in-kind".

Native species are the preferred; invasive species are not allowed.

Replacement plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurseryman ("AAN").

a. For Deciduous Trees:

1. Shade Trees:

Existing	Replacement			
trunk in dbh	Quantity	caliper	gallon/ball & burlap	Height
1 to 2 inch*	1	2 inch	#10 or #25/16-24 inch diameter	8-10 feet or 12-14 feet
>2 to 3.5 inch	1	2 to 3.5 inch	24 to 38 inch dia.	12 to 16 feet
>3.5 to 6 inch	2	2 to 3.5 inch	24 to 38 inch dia.	12 to 16 feet
>6 to 10 inch	3	2 to 3.5 inch	24 to 38 inch dia.	12 to 16 feet
> 10 inch	Discretion of Commission to reach equivalent			

* an alternative is to count these size trees only when there are a few on a project site, or not close to other trees (of any size)

2. Small Upright trees and all multi-stem trees (e.g., crabapples, clump form birches)

Existing	Replacement			
Height	Quantity	branching	gallon (ball & burlap)	Height
4 feet	1	5 or more	#1 (10 – 14 in. dia.)	3 - 4 ft.
5 feet	1	6 or more	#2 - #5 (16 in. dia.)	5 - 6 ft.
6 feet	1	7 or more	#5 (16 in. dia.)	6 - 7 ft.
> 6 feet	Caliper shall be used according to table above for Shade Trees (for 2 inch caliper trees or larger)			

b. For Evergreen Trees:

Existing	Replacement			
Height	Quantity	size/width	gallon/ball & burlap	Height
2 feet	1	15 - 21 in. spread	#3 (12 in. dia.)	2 ft.
3 – 4 feet	1	24 - 35 in. spread	#5 (22 - 27 in. dia.)	3 - 4 ft.
5 – 6 feet	1	3 - 4 ft. spread	#7 (30 - 34 in. dia.)	5 - 6 ft.
7 – 8 feet	1	w/ ratio 5:3 spread	#n/a (34 - 50 in. dia.)	7 - 8 ft.
> 8 feet	At the discretion of Commission so as to reach equivalent ratio of height-to-spread of properly grown material; equivalent shall not be less than 5:3 height-to-spread ratio.			

c. For All Trees:

- i. If a plant is well grown with a single stem, well shaped and bushy, and has sufficient well-spaced side branches to give it weight and good bud qualities, it is an acceptable plant.
- ii. On multi-stem trees, height shall be defined as the measurement taken from the ground level to the average uppermost point of growth of the plant.
- iii. All replacement plants shall have ball sizes which are of a diameter and depth to encompass enough of the fibrous and feeding root system as necessary for the fully recovery of the plant once planted.
- iv. Sapling trees shall include deciduous trees with a dbh of 1 inch and less; evergreens of 2 feet or less and shall be replaced at the discretion of the Commission so as to reach an equivalent area of coverage and soil retention.

d. For Bushes and Shrubs:

The replacement of bushes and shrubs shall be with bushes and shrubs of equivalent size. For bushes, the replacement must be well grown with a single stem, well shaped and bushy, and has sufficient well spaced side branches to give it weight and good bud quality. (This is AAN definition of an acceptable shrub.)

- (6) Rationale for Removal - Describe why the interests of wetlands protection are advanced by the revegetation plan.
- (7) Maintenance Plan - Vegetation replacement is not considered successful until the replacement plants have survived three full growing seasons. The maintenance plan shall describe how the restoration will be evaluated annually for three years and reported to the Commission. The Commission reserves the right to require a revised replanting plan, or additional plantings on an annual basis in the event that the revegetation plants decay or die.

F. The Commission may require one or more of the following measures to protect vegetation during work:

- (1) Tree protection fencing – Prior to commencing work, four (4) foot-high snow fencing shall be installed and secured with wooden stakes (2” x 4” or 2” x 3”) or 6-foot steel channel posts so as to create an enclosure at the dripline of tree(s) or other distance as the site conditions allow to be protected. Such fencing shall be securely erected, be vertically plumb and be maintained for the duration of the project and shall protect individual trees or groups of trees.
- (2) Tree protection blanket – “BarkSavers” or similar armored blankets shall be installed and maintained according to product specifications.
- (3) No existing trees shall be used for crane stay, guys or other fastening.
- (4) Vehicles shall not be parked below the canopy of any existing tree or where damage may result to existing trees.
- (5) Construction materials shall not be stored beneath existing trees.
- (6) Following completion of work, have a certified arborist monitor the health of trees on site for possible damage and take measures to repair damage.
- (7) Prior to work, preparation of a tree protection plan showing summary of all trees on site (including dbh, species, extent of canopy, roots and health) and specifying whether each tree shall be saved or lost.

G. The Commission may require the placement of permanent bounds (granite or metal) to demarcate all or part of a resource area or vegetation mitigation area.

H. The requirements of this section shall be met commensurate with the nature, scope, type, and cost of the proposed project or activity.

Section 25 – Adjacent Upland Resource Area

A. Findings

- (1) The Adjacent Upland Resource Area usually is significant to wildlife, plant or wildlife habitat, to public and private water supply, to groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to erosion control and sedimentation control, and to natural character and recreation.
- (2) Trees in the Adjacent Upland Resource Area provide important functions not provided by any other plant type. Trees provide shade to moderate water temperatures, levels of

dissolved oxygen and water flow. They serve as windbreaks to moderate wind stress and shear during storms, and provide nesting, roosting and perching areas for birds, and other wildlife. The transitional assemblage of trees, shrubs and groundcover (containing both wetland and upland elements) frequently found in Adjacent Upland Resource Areas has been found significant to the support of a greater number of native and specialist wildlife species in the interior of resource areas, which they border. Trees and other vegetation, if undisturbed or minimally disturbed, slow the rate of surface runoff providing flood control and reducing down-gradient storm damage.

- (3) Lands within the Adjacent Upland Resource Area are best left in an undisturbed and natural state.
- (4) There is overwhelming scientific consensus that significant physical, chemical, or biological alterations to Adjacent Upland Resource Areas will have significant physical, chemical, or biological impacts on associated or adjacent wetland resource areas such as banks, creeks, streams, rivers, ponds, lakes, and wetlands. Adjacent Upland Resource Areas are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resource areas protected by the Bylaw have a high likelihood of adverse impact upon those areas, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction activities, impervious surfaces, and use can include, without limitation, erosion, siltation, loss of groundwater recharge, loss of flood control or storm damage prevention, poor water quality, and harm to wildlife and wildlife habitat. The ability of the Adjacent Upland Resource Area to protect a wetland resource, and to provide habitat, increases with buffer width and continuity.
- (5) Generally, vegetated buffers within the Adjacent Associated Upland Resource Area and next to the adjacent resource area of less than 25 feet wide are ineffective in protecting adjacent wetlands or providing wildlife habitat functions. Vegetated buffers often larger than 25 feet are necessary to provide wildlife habitat and to protect adjacent resource areas wetlands from continuing activities such as inputs of sediments and nutrients, to protect from direct human disturbance, to protect sensitive species from adverse impacts, and to protect adjacent wetlands-resource areas from the adverse effects of changing water quality, including but not limited to nutrient concentrations, temperature, salinity and dissolved oxygen concentrations.

B Definitions and Boundary

- (1) The Adjacent Upland Resource Area is an area adjacent to a resource area specified in Section 2, A(1) through (4) and is the land within 100 feet of any of the aforesaid resource areas.
- (2) The boundary of the Adjacent Upland Resource Area is the distance measured horizontally from the resource area specified in Section 2, A(1) through (4) to 100 feet landward of said resource.
- (3) The Adjacent Upland Resource Area is divided into two zones, the No-Disturbance Zone and the Restricted Zone.
 1. The No-Disturbance Zone is measured 25 feet horizontally from the resource area specified in Section 2, A(1) through (4).

2. The Restricted Zone is measured 75 feet horizontally from the No-Disturbance Zone to the outer boundary of the Adjacent Upland Resource Area

C. No-Disturbance Zone. No activities or work, other than passive passage and resource area enhancement, are permitted. No vegetation may be disturbed, leaf litter and natural debris remains in place, ~~etc.~~ The No-Disturbance area ~~shall should at a minimum contain the same amount of area of undisturbed and natural vegetation remain unchanged~~ from its pre-project state. A disturbed or previously developed No-Disturbance Zone shall be restored to a naturally vegetated state to the extent practicable.

D. Restricted Zone.

A growing body of research evidence suggests that even "no disturbance" areas reaching beyond 25 feet from wetlands, streams, rivers, and other water bodies may be insufficient to protect many important characteristics and values. Problems of nutrient runoff, water pollution, siltation, erosion, vegetation change, and habitat destruction are greatly exacerbated by activities within 100 feet of wetlands. Thus, work and activity within that portion of the Adjacent Upland Resource Area beyond the No-Disturbance Zone shall be avoided and discouraged and reasonable alternatives pursued.

Only wWhen the Applicant proves that reasonable alternatives are not available or practicable, the Commission (and not the Applicant) shall designate areas within the Restricted Zone of the Adjacent Upland Resource Area to be suitable for no, temporary, limited, or permanent disturbance as appropriate depending on the following, particular characteristics of the Restricted Zone:

- i. slope
- ii. soil characteristics
- iii. drainage patterns
- iv. extent and type of existing vegetation
- v. extent and type of invasive vegetation
- vi. amount of impervious surface
- vii. wildlife and wildlife habitat
- viii. intensity and extent of use
- ix. intensity and extent of adjacent and nearby uses

This approach is intended to allow maximum flexibility for property use while maintaining adequate levels protection of the resource values protected by the Bylaw.

The total area of impervious surface within the Adjacent Upland Resource Area shall not increase more than 10% or 100 square feet, whichever is less.

Impervious surfaces shall not intrude farther into the Adjacent Upland Resource Area than pre-project condition unless the total area of impervious surface is significantly decreased or other mitigation is provided that protects the resource area values. -Impervious surface shall be kept as close as possible to the outer boundary of the Adjacent Upland Resource Area as practicable.

(1) *Minimal Disturbance Area.* This is an area within the Restricted Zone of the Adjacent Upland Resource Area in which virtually no activities or work, other than passive passage and resource area enhancement, are permitted. No vegetation may be disturbed, and leaf litter and natural debris shall remain in place. This Minimal Disturbance Area should remain unchanged from its pre-project condition.

(2) *Temporary Disturbance Area.* This is an area within the Restricted Zone of the Adjacent Upland Resource Area where temporary disturbance for a limited period of time is permitted, such as for re-grading or travel by heavy construction machinery. Once the activity is completed, however, the area shall be returned to or allowed to return to natural vegetation and function. Any subsequent disturbance or activity shall require a new filing. The Conservation Commission shall establish specific time frames and conditions for allowing temporary disturbances, as well as setting criteria for assessing the successful return of the Adjacent Upland Resource Area to natural functions.

(3) *Limited Disturbance Area.* This is an area within the Restricted Zone of the Adjacent Upland Resource Area where a limited set of activities and work is permitted in perpetuity. For example understory clearing of poison ivy might be allowed, but no clearing of overstory and no planting of lawn. Limited (sustainable) harvesting of wood, composting of brush, and storing firewood are other examples of limited activities that might be allowed.

(4) *Permanent Disturbance Area.* This is an area within the Restricted Zone of the Adjacent Upland Resource Area in which most, if not all, legal activities and permanent disturbances are permitted. Houses, porches, driveways, gardens, and lawns in the Adjacent Upland Resource Area represent permanent disturbance areas. Nevertheless, within the context of permanent disturbance, the Conservation Commission may set specific temporary or perpetual conditions prohibiting or restricting those forms of work and activities in the Adjacent Upland Resource Area deemed potentially harmful to the wetland resource area values protect by the Bylaw, such as the use of herbicides and pesticides, use of interceptor drains, or installation of in-ground sprinkler systems for irrigating areas in the adjacent upland resource.

The Commission may require the placement of permanent bounds (granite or metal) to demarcate all or part of the Adjacent Upland Resource Area.

Depending on particular project site characteristics and the proposed work, not all subareas of the Disturbance Zone (specified in (1) – (4) above) will necessarily be present.

E. The following activities may not be conducted in any portion of the Adjacent Upland Resource Area: changing of oil, refueling, or damage to other vegetation not scheduled for removal.

F. Moderate Activities Proposed in Adjacent Upland Resource Area.

The Adjacent Upland Resource Area should be left intact in a naturally vegetated to the maximum extent practicable and as provided in these regulations. However there are some activities that may be permitted by the Commission that are not likely to have a significant or

cumulative effect on the resource area values of the Bylaw, provided the other provisions of these Regulations are met. These proposed activities must be reviewed by the Conservation Commission Administrator to determine the appropriate permitting procedures, and to determine what, if any, mitigation is required. These activities are:

- (1) Fencing, provided it will not constitute a barrier to wildlife movement;
- (2) Plantings of native species of trees, shrubs, or groundcover, but excluding lawns regardless of species composition;
- (3) The conversion of impervious surfaces to vegetated surfaces, provided erosion and sedimentation controls are implemented during construction;
- (4) Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g., installation of monitoring wells, exploratory borings, sediment sampling and surveying);
- (5) Pervious trails of a width four feet or less;
- (6) Nonpermanent wildlife watching blinds; or
- (7) Short-term scientific or educational activities.

Section 26 – Vernal Pool and Its Associated 100-Foot No-Disturbance Zone

A. Findings

- (1) Vernal Pools and their associated 100-foot No-Disturbance Zones are likely to be significant to the protection of wildlife habitat and rare plant and animal habitat. Vernal Pools constitute a unique and increasingly rare type of wetland that is inhabited by many species of wildlife, some of which are completely dependent on Vernal Pools and their associated habitat for their survival. Areas in the immediate vicinity of the Vernal Pool (i.e., 100-foot No-Disturbance Zone) provide these species with important non-breeding habitat functions, such as migratory pathways, feeding, shelter, and over-wintering sites. Many other species utilize Vernal Pools and their associated 100-foot No-Disturbance Zones for breeding and non-breeding functions, although such species are not limited to this type of wetland. The protection of Vernal Pools and their associated 100-foot No-Disturbance Zones are essential for the survival of wildlife species that depend on these unique and threatened resource areas. Vernal Pools need not be state-certified in order to be protected under the Bylaw or these Regulations.
- (2) The extreme edges of vernal pool habitat represent one of the most ecologically valuable portions of these habitats. Shallow water at the edges of a pool generally are the first to thaw in the spring. This provides early access to the pool for the earliest breeding species. The shallow water zones also tend to be significantly warmer than the deeper portions of a vernal pool throughout the spring. Egg masses of early breeding amphibians benefit from the warmer water temperatures at the pool edges that promote rapid egg development.

B. Definition, Critical Characteristics and Boundary:

- (1) Vernal Pools exhibit a tremendous variation in physical, geographic, hydrologic and vegetative conditions, and therefore, for the purposes of these Regulations, these conditions are not considered reliable criteria for their identification. A Vernal Pool is a temporary freshwater body, which, in most years holds water for a minimum of two (2)

months and is free of established, reproducing fish populations, and is protected by these Regulations if it meets any of the following criteria:

- (a) The Vernal Pool contains evidence of the presence of any one (1) of the following obligate indicator species: Spotted Salamander, Blue-Spotted Salamander, Jefferson Salamander, Marbled Salamander, Wood Frog or Fairy Shrimp, or;
- (b) In the absence of any obligate indicator species, the Vernal Pool contains evidence of two (2) of any of the following facultative indicator species: Spring Peeper, American Toad, Green Frog, Pickerel Frog, Gray Tree Frog, Four-Toed Salamander, Spotted Turtle, Caddisfly larvae or cases of Caddisfly larvae, Dragonfly or Damselfly larvae or shed skins (exuvia) of Dragonfly or Damselfly larvae, adults, juveniles or shells of either Fingernail Clams or Amphibious, air-breathing Snails.

2. The boundary of vernal pool.

The boundary of vernal pool is the lower of:

- (a) the maximum elevation of a topographic depression that holds water for a minimum of two (2) continuous months each year; or
- (b) the maximum observed or recorded water level in a topographic depression.

The boundary of vernal pool may be defined differently for the purpose of state or federal protection. The boundary of vernal pool is not established when a vernal pool certification number is issued by the Commonwealth.

C. Timing of Evidence Collection:

Many of the indicators of Vernal Pool habitat are seasonal. For example, certain salamander egg clusters are found only between late March and late May; Wood Frog chorusing occurs only between late March and late May, and then only at night. Consequently, failure to find evidence of breeding must be tied explicitly to those periods during which the evidence is most likely to be available.

Accordingly, in the case of challenges to the presumption of Vernal Pool habitat, the Commission may require that the determination be postponed until the appropriate time period consistent with the evidence being presented. The Commission may also require its own site visit(s) as necessary to confirm the evidence.

D. Presumptions of Significance for 100-foot No-Disturbance Zone:

Where a proposed activity involves the removing, filling, dredging, or altering of a Vernal Pool or its 100-foot No-Disturbance Zone, the Commission shall presume that the Vernal Pool and its 100-foot No-Disturbance Zone is significant to the protection of wildlife habitat and rare plant and animal habitat.

E. Performance Standards for 100-foot No-Disturbance Zone:

Unless the presumption set forth in Section 21.D of these Regulations is overcome, the following standards shall apply to Vernal Pools and their 100-foot No-Disturbance Zones:

- (1) 100-foot No-Disturbance Zone: No activity shall be permitted within 100 feet of the delineated edge of a Vernal Pool, or in the case of a wetland resource area that encompasses the pool, within 100 feet of the delineated edge of said wetland resource

area. Prohibited activities include, but are not limited to, grading, landscaping, vegetation control, pruning, cutting, filling, excavation, roadway construction and/or driveway construction.

- (k) No-Disturbance Zone Demarcation: To maintain the perpetual integrity of the 100-foot No-Disturbance Zone and to ensure that there will be no encroachments into this Zone by the applicant or future owners of the subject property, the Commission may require the No-Disturbance Zone to be marked on the ground, at the applicant's expense, with permanent markers. These markers shall be made of weather resistant material (i.e. granite or concrete), and the Commission shall determine their number, location and size. The Commission may require the maintenance of such markers in any certificate of compliance issued for the project.

Section 27 – Riverfront Area

See 310 C.M.R. 10.58 (the Massachusetts Department of Environmental Protection's Wetlands Regulations pertaining to Riverfront Area).

Section 28 - Variances

A. The Conservation Commission may, in its discretion, grant variances from the operation of one or more of the provisions of the Bylaw, or the rules and regulations promulgated thereunder, Such variances are intended to be granted only in rare and unusual cases and upon a showing of clear hardship relating to the subject premises if the requested relief is not granted.

B. The standards as set forth herein shall be the sole basis upon which a variance shall be granted.

C. Applicants shall file a written request for variance at the same time as an application (Notice of Intent) for a permit or request for determination is filed with the Commission. Such variance request shall be made in writing and shall be a separate writing from the application or request forms.

D. At any time subsequent to filing of the variance request, but in no event less than ten calendar days prior to the date of commencement of the public hearing at which the variance request is to be considered, the applicant or his or her or its representative shall submit to the Commission and copies to each Commission member (including associate member) a written statement in support of the variance request. Such written statement shall include but not be limited to the following items:

- (1) A brief statement of the relief sought;
- (2) A description of all reasonably identifiable alternatives to the applicant's proposal that were considered by the applicant and that would avoid or minimize the necessity of the requested relief, along with the reasons why such alternatives were deemed to be inadequate, unworkable or inadvisable;
- (3) A statement of all efforts that will be undertaken to minimize impact upon resource areas and buffer zones arising out of the work proposed;
- (4) Detailed plans for any mitigation measures proposed;

- (5) Adequate engineering and expert evidence to permit the Commission to evaluate the basis for the applicant's contentions in support of the variance requested; and
- (6) Any and all relevant information which the applicant wishes the Commission to consider in deliberating the variance request.

E. A variance may be granted only for the following reasons and upon the following conditions:

- (1) The Conservation Commission may grant a variance upon a clear and convincing showing by the applicant that any proposed work, or its natural and consequential impacts and effects, will not have any adverse effect upon any of the interests protected in the Bylaw, and that there are no reasonable conditions or alternatives that would allow the work to proceed in compliance with these regulations and the Bylaw. It shall be the responsibility of the applicant to provide the Conservation Commission with any and all information that the Commission may request orally or in writing, in order to enable the Commission to ascertain such adverse effects, and the failure of the applicant to furnish any information that has been so requested shall result in the denial of a request for variance.
- (2) The Conservation Commission may grant a variance from these rules and regulations when necessary to avoid so restricting the use of the property as to constitute a taking of private property without compensation. The Commission may request an opinion from Town Counsel or other legal consultant at the expense of the applicant as to whether the application of the Bylaw to a particular case will result in a taking of property without compensation.

Section 29 - Areas of Critical Environmental Concern

A. Any areas within the Town of Arlington which have been designated as Areas of Critical Environmental Concern by the Secretary of Energy and Environmental Affairs, Commonwealth of Massachusetts, are so designated due to the particularly unique environmental factors that affect such areas and that highlight the unique importance of each area so designated.

B. As a result of such designation, it is incumbent upon the Commission to be even more diligent in its review of projects proposed within such areas. The highest standards of scrutiny as to the impact of any proposal are required shall be exercised by the Commission.

C. Further, close scrutiny shall be given by the Commission to any proposals involving an application of new pavement or newly installed other impervious materials within any area less than 100 feet from bordering vegetated wetland, bank, beach, and meadow.

Section 30 – Wildlife Habitat

Activities which alter the Wildlife Habitat of any Resource Area in a manner that is likely to impact the breeding success of wildlife are prohibited.

Section 31 – Ecological Restoration Projects

The Commission may allow ecological restoration projects as defined and provided in 310 CMR 10.00.

Section 32 - Stormwater Management

A. Work or activity specified in a request for determination of applicability or an application for a permit and subject to the Bylaw shall meet, at a minimum and to the extent practicable, the best management practices for stormwater management as set forth in the Stormwater Standards of the Massachusetts Department of Environmental Protection. The Commission may in its sole discretion require the applicant to provide a runoff plan and calculations using the “Cornell” method, and based on the ten-year, fifty-year and one-hundred-year-flood frequency event period. Calculations shall show existing and proposed runoff conditions for comparative purposes.

B. The requirements of this section shall be met commensurate with the nature, scope, type, and cost of the proposed project or activity

Section 33 - Severability; Compliance With Court Decisions

A. The invalidity of any section or provision of the Bylaw or of these regulations shall not invalidate any other section or provisions thereof, nor shall it invalidate any permit which previously has been issued.

B. If any Court of the Commonwealth shall invalidate any provisions of the Bylaw or of these regulations, the Conservation Commission may promulgate additional rules and regulations or present to the next Town Meeting after such invalidations, amendments to the Bylaw or regulations which are designed to comply with any Court decision invalidating such provisions or regulations, as the case may be.

Section 34 - Effective Date

The effective date of these rules and regulations shall be January 4, 2001, and the provisions of these rules and regulations shall apply to all work performed, and all applications or requests for determination of applicability received on or after that date.

[*Editor’s notes: Regulations first approved January 4, 2001; revised: June 2001, September 20, 2001; February 2005; April 7, 2005; September 16, 2010; January 20, 2011; ~~and~~ June 4, 2015 and _____, 2017.*]



Town of Arlington, Massachusetts

Approval of Meeting Minutes

Summary:

9:45-9:50PM
(5 mins.)

Board members will review minutes from the previous ARB meeting, and provide feedback for edits and vote.

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	06262017_Minutes_Redevelopment_Board.pdf	Meeting Minutes June 26, 2017

Arlington Redevelopment Board
June 26, 2017 Minutes
Town Hall Annex, Second Floor Conference Room – 7:15pm

This meeting was recorded by ACMi.

PRESENT: Andrew Bunnell (Chair), Kin Lau, David Watson, Andrew West, Eugene Benson

STAFF: Laura Wiener

GUESTS: Robert Annese, Attorney; Paul J. Finocchio, P.J.F. and Associates; Joe Ronayne, A. R. Ronayne & Sons, LLC.

Correspondence: None.

The Chairman opened the meeting at 7:15pm and turned to the first item on the agenda, Zoning Recodification Update. Laura Wiener, Assistant Director of Planning reminded the Board of the upcoming Zoning Recodification public meeting scheduled for July 13, 2017. This will be the first public meeting presentation by the consultant, RKG, addressing the proposed Zoning Bylaw modifications. The meeting is intended to educate the public about proposed changes to the bylaw, and receive feedback on their experiences and their issues with the current zoning bylaw. Ms. Wiener encouraged the Board members to attend.

Mr. Bunnell moved to the next item on the agenda, Approval of Meeting Minutes from May 15 and June 12, 2017. Meeting Minutes were reviewed and amendments were suggested.

Mr. Lau moved to approve the Meeting Minutes of May 15, 2017 as amended. Mr. West seconded. All voted in favor. (5-0).

Mr. Lau moved to approve the meeting minutes of June 12, 2017 as amended. Mr. Watson seconded. All voted in favor. (4-0). Mr. Benson abstained.

Mr. Bunnell moved to the next item on the agenda, Continued Public Hearing for EDR Special Permit for Docket #3522 to allow new construction of a mixed-use residential and commercial property at 483 Summer Street, Arlington, Massachusetts, in the B2 Neighborhood Business District. Robert Annese, Attorney for the applicant, sought approval under section 5.04/s.7.13, mixed-use development-residential/commercial, Article 11.06 Special Regulations, 8.01A, parking for residential /commercial mixed-use, and section 8.12, reduction for parking requirement for mixed-use development. As requested at the previous Public Hearing, Mr. Annese stated that the parking has been reworked since the last meeting and will now provide parking for both 483 Summer St. and 489 Summer St. in the rear. The parking requirement is fully met, so that a special permit for reduced parking is no longer required. There will be one entrance and one exit for both properties. Ten (10) secure bike parking spaces were added for residential use. A second covered bike parking area provides up to 8 more residential spots and an additional rack for 5 bikes has been located in the front for retail customer use. Mr. Annese stated an updated 21E study was done and no indication of contamination was found. Additionally, the Tree Warden had been brought in to address tree removal and replacement.

Joe Ronayne, Architect, J.R. Ronayne and Sons, LLC presented the site plan showing the location of the residential and retail bike parking, as well as two locations for residential and commercial tenant waste. Additional plans included a landscape design and roof design with 5 air conditioning compressors.

Mr. West commented on the site plan, particularly the orientation of the building and shared a drawing showing a straight orientation parallel to the street, to increase the amount of landscaping. He further suggested moving the retail waste to the same location as the residential waste so residents could enjoy the open space without a view of the trash. Additionally, Mr. West suggested changing the window style to give the building more of a residential feel. Mr. Lau asked if reducing the size of the building was considered and felt that the proponent could create a grander

entrance by lowering the building and eliminating the stairs in the front. Further, handicap accessibility would be created in the front as the entrance would be at ground level. Mr. Watson appreciated the additional bike parking but preferred to see the bike parking on the inside of the building. He further suggested a different rack choice that accommodates more bikes and allows people to lock the bike frame.

Mr. Bunnell asked the applicant to consider the feel of the residential neighborhood as well as the business corridor while reviewing the current design.

Mr. Bunnell opened public comment.

Kit Hayes of Glenbrook Lane was concerned with the scale of the building. Lisa Mullens of Glenbrook Lane asked if any resident vehicles had to back out onto Summer Street when exiting the premises and asked if a turnaround for fire trucks was required. Chris Carmody of 21 Peter Tufts Rd. questioned whether the open space requirement was being met on the 489 Summer Street property now that parking was being shared. Sean Dugan of 461 Summer Street was concerned about water run-off from the building and their mitigation plan.

Jack Sullivan of Sullivan Engineering Group stated that the project was providing a drainage system that will significantly reduce runoff from the site. The system was reviewed and approved by the Town Engineer.

Mr. West asked the applicants to reconsider the siting, retail trash location, and the building's relation to the street.

Mr. Bunnell closed public comment.

Mr. West moved to continue the Public Hearing to a date to be determined. Mr. Lau seconded. All voted in favor. (5-0)

Mr. Lau moved to adjourn the meeting. Mr. West seconded. All voted in favor. (5-0).